

WATER PERMIT NO. 2746-2

Name of Applicant: **Forrest Stewart**

Address: **29845 237th Ave, Cody NE 69211** Phone: **605 685-1064**

Amount of Water Claimed: **2.44 cfs** Total Acres: **160 acres**

Source of Water Supply: **groundwater (1 well)**

Water to be used for: **irrigation** County: **Bennett**

Type of Waste Disposal System:

Location: **25 miles southeast of Martin**

PRIORITY Date Received: **9-23-15** Application/License Fee: **\$ 1050**

Corrected Application Received: **2-18-16** Period of Annual Use: **April 1 – October 31**

Remarks: **Requesting diversion rate greater than statutory limi**

Diversion Point: **SE 1/4 SE 1/4 Sec 19-T36N-**
R34W

Land to be Irrigated: **NE 1/4, E 1/2 NW 1/4, NW**
1/4 SE 1/4, NE 1/4 SW 1/4 Sec 19-T36N-R34W

Depth of Well: **280 feet deep**

Well Driller:

Remarks:

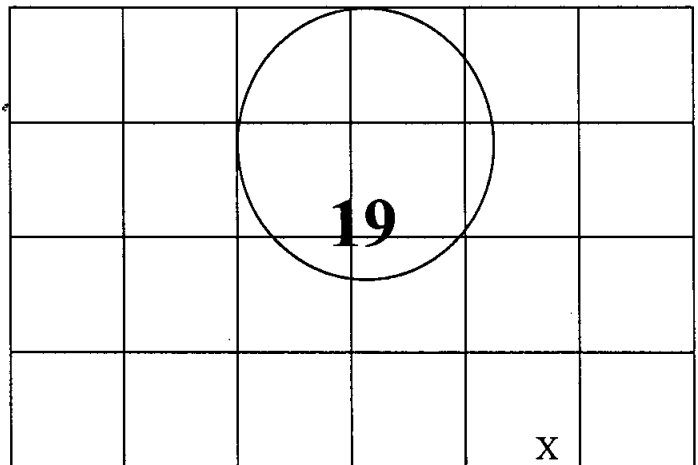
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **2-26-16**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 2746-3 (office use only)
Hydrologic Unit 10140203
Basin White River 605-685-
Newspaper Bennett Co. Booster II - Modern 6866
Capital Journal - Pierre 605-224-7301

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SEP 23 2015

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PROGRAM

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FEB 18 2016

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit Forrest Stewart

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 29845 237th Ave Cody Ne. 69211
(Address) (City) (State) (Zip Code)

Home Phone (605) 685-1064 Cell _____ Email Cut2win@GWTC.net

2. Amount of water claimed 2.45 *CFS or 1100 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acro Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion 1 well SE 1/4 SE 1/4 section 19 T36 Range 34
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County Bennett

5. County or counties where water will be used Bennett

6. Annual period during which water is to be used April thru October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>See attached sheet</u>			

8. Give a description of the project. (Attach sheet if more space is needed)

Used for Irrigated Pasture
Requesting diversion rate greater than statutory limit.

I, Forrest W. Stewart, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

36A NE4 NW4 Sec 19 - T36N - 34W
35A NW4 NE4 Sec 19 - T36N - 34W
40A SW4 NE4 Sec 19 - T36N - 34W
35A SE4 NW4 Sec 19 - 36N - 34W

4A NE4 NE4 Sec 19 36 - 34
6A SE4 NE4 Sec 19 36 - 34
6A NW4 SE4 Sec 19 36 34
4A NE4 SW4 Sec 19 36 34

SOUTH DAKOTA
WATER PERMIT NO. 2746-2 FOR IRRIGATION

Date of first receipt of application September 23, 2015.

Date of return to applicant for corrections, amendments or changes September 23, 2015.

Date of receipt of corrected application February 18, 2016.

The Water Management Board approved Water Permit No. 2746-2 on May 5, 2016 for Forrest Stewart, 29845 237th Ave, Cody NE 69211 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2746-2 appropriates 2.45 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the SE 1/4 SE 1/4 Section 19 for irrigation of 160 acres located in the NE 1/4, E1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 19; all in T36N-R34W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 18, 2016.
4. One-fifth of the construction is to be completed on or before November 5, 2018.
5. All construction is to be completed on or before May 5, 2021.
6. Water is to be put to beneficial use on or before May 5, 2025.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2746-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2746-2 authorizes a maximum diversion rate of 2.45 cfs for the irrigation of 160 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

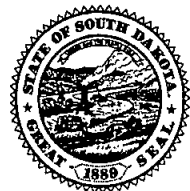
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

MAY 12 2016

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Grosch Irrigation Co.
(if yes, please provide copies of logs)

b) If existing wells, how many Provide copy of log(s), if available. Drilled by

c) Well Depth 280ft Depth to Top of Water Bearing Material 37ft Depth to Water from Surface 37ft

d) Distance to nearest existing domestic well:

On applicant's property 1 mile On property owned by others

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field)

b) System Capacity (gallons) Year Constructed

c) Connected to the City of Sanitary System

3. Dugout Information

a) Surface Dimensions Depth

b) Depth to water (ground surface to water level)

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity

If pipe, diameter

f) Secondary Spillway Capacity

Spillway Width

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream

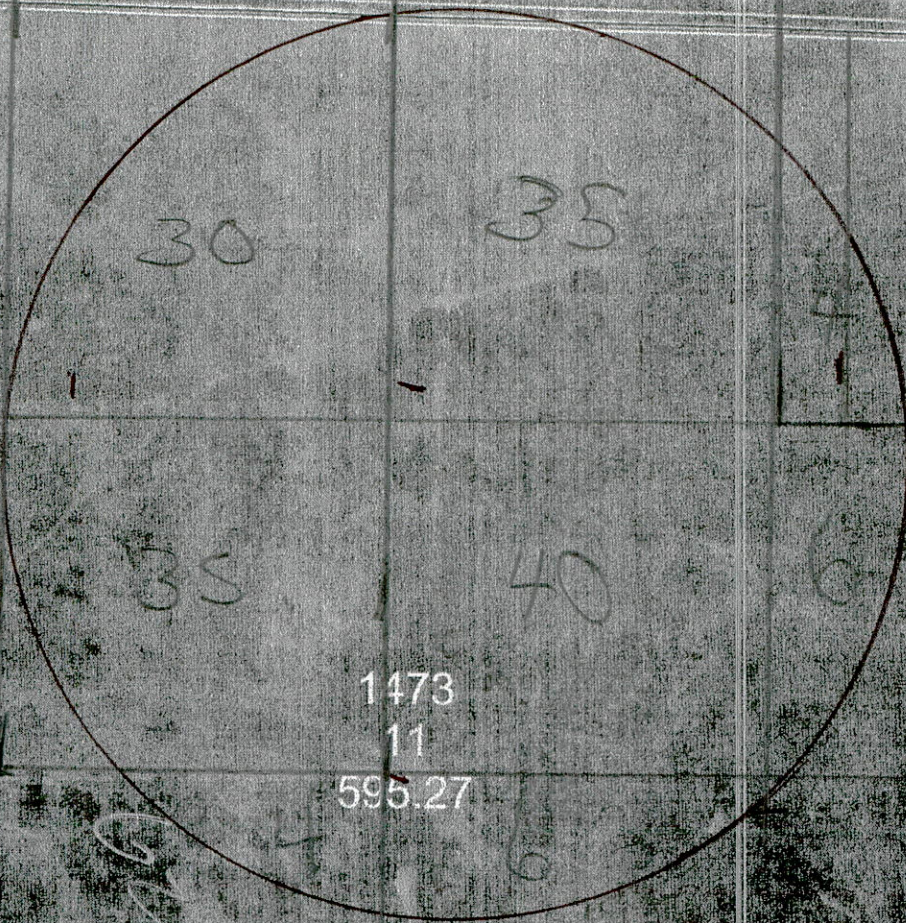
Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres

1473
6
18.66
HEL



WR 11
(X)

USDA U.S. Dept. of Agriculture
Farm Service Agency

2006

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South Dakota
Bennett County
19-36N-34W

Legend

- Wetlands
- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- ///, Rangeland

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2004 ortho rectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

May 31, 2006

Branch O'Neill, NE

Date April 3, 2015

5

Name FORREST STEWART

County BENNETT CO

GPS

43D / 04 / 31.1

101D / 21 / 31.2

FEET FROM

FEET FROM

ELEVATION

SOUTH DAKOTA

SE SE 1/4

19

SEC

36

TN

34

RA

[illegible]

DRILLER

Thad Babutzke

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SEP 23 2015

**WATER RIGHTS
PROGRAM**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/26, 20 16

RECEIVED OF Forrest Stewart 29843 237th Ave Cody NE 69211

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2746-2</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2746-2</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. **07770**

By Jean Halman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2746-2, Forrest Stewart**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2746-2, Forrest Stewart, 29845 237th Avenue, Cody NE 69211.

The Chief Engineer is recommending APPROVAL of Application No. 2746-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2746-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2746-2 authorizes a maximum diversion rate of 2.45 cfs for the irrigation of 160 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
March 21, 2016

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 2746-2, 2747-2 AND 2478-2
FORREST STEWART
11 MARCH 2016**

Water Permit Application No. 2746-2 proposes to appropriate water from the Ogallala aquifer for the irrigation of 160 acres located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T36N-R34W. The application proposes to divert water from a well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, T36N-R34W at a maximum diversion rate of 2.45 cubic feet of water per second (cfs). The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2747-2 proposes to appropriate water from the Ogallala aquifer for the irrigation of 64 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T36N-R34W. The application proposes to divert water from a well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T36N-R34W at a maximum diversion rate of 1.34 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2748-2 proposes to appropriate water from the Ogallala aquifer for the irrigation of 75 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 29, T36N-R34W and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, T36N-R34W. The application proposes to divert water from a well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T36N-R34W at a maximum diversion rate of 1.56 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

AQUIFER: Ogallala aquifer (OGLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The High Plains aquifer system underlies 174,000 square miles of the United States, extending from southern South Dakota to Texas (Gutentag and others, 1984). The High Plains aquifer is generally considered to be composed of the upper sandstone units of the Arikaree Formation, the overlying Ogallala and Sand Hills Formations, and any terrace or alluvial deposits, all of which are hydraulically connected (Kolm and Case, 1983). In South Dakota, the High Plains aquifer includes the Arikaree Group, Batesland Formation, Ogallala Group, and overlying alluvial and eolian deposits (Filipovic, 2011). For water management purposes, the South Dakota Department of Environment and Natural Resources-Water Rights Program, and the South Dakota Water Management Board have historically considered appropriations from the High Plains aquifer either from the Ogallala aquifer or from the Arikaree aquifer. The Ogallala aquifer is considered the source for this proposed appropriation.

The Ogallala Group consists of clays, silts, sands, and surface gravel deposits, and is the most productive part of the High Plains aquifer (Filipovic, 2011; Gutentag and others, 1984). The Ogallala aquifer is estimated to underlie 1,140,360 acres and contain 19,929,600 ac-ft of recoverable water in South Dakota (Allen and others, 1985). Allen and others, (1985) estimated the Ogallala aquifer to underlie 280,960 acres and contain 2,809,600 ac-ft of recoverable water in Bennett County. The test hole logs submitted with Application Nos. 2746-2 and 2747-2 indicate the base of the Ogallala is approximately 270 and 218 feet below grade, respectively.

The aquifer is under unconfined conditions and the water table was reported to be approximately 21-37 feet below grade in April 2015. Groundwater flow in this area is generally from the southwest to northeast but locally topographically controlled and is towards the Little White River (Filipovic, 2011).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the greenhorn formation and the water is to be used by a water distribution system, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the aquifer is not older or lower than the greenhorn formation therefore withdrawal/recharge issue must be considered.

These applications propose to authorize the irrigation of 299 additional acres from the Ogallala aquifer. The average annual diversion rate associated with this proposed appropriation can be expected to be less than 300 acre-feet per year.

Hydrologic Budget:

Recharge:

Recharge to the Ogallala aquifer occurs from precipitation on the outcrop areas. Estimates for the average annual recharge to the Ogallala aquifer are shown in Table 1.

Table 1. Average annual recharge estimates for the Ogallala aquifer

ESTIMATED AVERAGE ANNUAL RECHARGE	METHOD	SOURCE
2.2-3.4 inches/year	Observation Well Data	Hedges and Burch, 1985
1.88 inches/year	Base flow Recession Analysis	Hedges and Burch, 1985
1.3-1.8 inches/year	Digital Model	Kolm and Case, 1983
2.91 inches/year	Digital Model	Long and Putnam, 2010

Therefore, recharge to the Ogallala aquifer in South Dakota is estimated to range from 124,000 to 323,000 ac-ft/yr. Recharge to the portion of the aquifer in Bennett County ranges from 30,400 to 79,600 ac-ft/yr.

Discharge:

Discharge from the Ogallala aquifer occurs through evapotranspiration, seepage through springs and to streams and rivers such as the Niobrara and the Little White, and well withdrawals (Filipovic, 2011). There are currently 171 water rights/permits and three future use permits appropriating water from the Ogallala aquifer in South Dakota, with 45 water rights/permits in Bennett County (Water Rights, 2016b). In addition to appropriative users, there are a number of wells completed into the Ogallala aquifer that are used for self-supply domestic use and livestock watering. The reasonable domestic use that occurs through these wells does not contribute significantly to a hydrologic budget for the Ogallala aquifer. The Pine Ridge and Rosebud Indian Reservations tribal members operate a number of irrigation wells completed into the Ogallala aquifer. When investigating 2010 aerial photography for the area, the majority of the irrigation is authorized by SD DENR-Water Rights Program and the Water Management Board (Buhler, 2012).

The irrigation development of the Ogallala aquifer has remained relatively constant over the period of record of 1982-2015 (see Tables 2 & 3). Well withdrawals for irrigation have fluctuated over the years due to climatic and economic conditions. The average irrigation pumpage reported for the Ogallala aquifer in South Dakota over the period of record is 18,589.67 ac-ft/yr. Average irrigation pumpage from the Ogallala aquifer in Bennett County from 1982-2014 is 7390.8 ac-ft/yr (Water Rights, 1983-2015).

Table 2. Historic Irrigation use from the Ogallala aquifer in South Dakota (Water Rights, 1983-2015)

Year	Number of Permits Reporting	Appropriation	Pumpage Reported
		(ac-ft/yr)	(ac-ft/yr)
1982	93	62475.95	9217.41
1983	101	66508.65	10175.49
1984	109	68087.95	13273.4
1985	108	56382.05	18536.5
1986	105	59270.95	12952.6
1987	104	59472.95	12347.9
1988	103	57456.1	16154.4
1989	104	56839.4	27261.5
1990	107	57288.4	16511.6
1991	108	56438.8	16049.54
1992	107	54197.5	11985.8
1993	105	53357.5	11099.9
1994	108	54664.2	16699.41
1995	107	54719.2	14276.9
1996	110	55713.2	21222.84
1997	111	55610.2	18707
1998	109	54106.8	13777.34
1999	110	54366.8	13733.72
2000	111	54686.8	16141.74
2001	110	54653.6	18121.82
2002	105	52218.8	24176.59
2003	105	51408.8	22085.21
2004	107	51877.8	23939.9
2005	108	52537.8	20131.74
2006	111	52953.7	25733.32
2007	114	52681.7	24051.2
2008	116	53095.7	24498.85
2009	116	53095.7	22130.45
2010	115	52529.7	21261.58
2011	116	52856.7	15294.73
2012	118	53238.7	33224.01
2013	129	57392.7	26527.51
2014	136	59732.7	22157.13
Max	136	68087.95	33224.01
Min	93	51408.8	9217.41
Average	109	55693.3	18589.67

Table 3. Historic Irrigation use from the Ogallala aquifer in Bennett County, SD (Water Rights, 1983-2015)

Year	Number of Permits Reporting	Appropriation	Pumpage Reported
		(ac-ft/yr)	(ac-ft/yr)
1982	35	17457.3	2032.77
1983	37	18134.3	4259.07
1984	44	22288.2	4816.4
1985	42	19778	8022
1986	41	19935	4359.6
1987	40	19663	5624
1988	39	18063	6366.5
1989	41	18730	10212.6
1990	43	19248	7169
1991	43	19248	6270.2
1992	43	19248	5629
1993	43	19248	4447.5
1994	44	20500	7448.54
1995	42	20218	5936.46
1996	44	20204	6430.94
1997	44	19677	7069
1998	44	19697	5805.38
1999	44	19697	5745.8
2000	44	19697	6812.18
2001	43	18950.9	7149.91
2002	42	18950.9	8321.28
2003	44	19604.9	7164.72
2004	44	19529.9	9067.61
2005	44	19925.9	8563.55
2006	43	19529.9	10838.95
2007	45	19245.9	10468.27
2008	45	19267.9	9976.89
2009	45	19267.9	8283.03
2010	45	19157.9	7347.36
2011	45	19489.9	6289.23
2012	42	18463.9	13134.53
2013	50	21665.9	13568.44
2014	53	22885.19	9265.19
Min	35	17475.3	2032.77
Max	50	22885.19	13568.44
Average	42.9	19036.5	7390.8

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming the following: water rights/permits limited by an annual volume will pump the entire volume appropriated, water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and future use permits can be fully developed. Therefore, withdrawal due to non-irrigation use water rights/permits and future use permits is expected to be less than 9,760 ac-ft/yr in South Dakota and 29 ac-ft/yr in Bennett County alone (Water Rights, 2016b).

Water Balance:

Currently, discharge from the Ogallala aquifer as a result of well withdrawals is estimated to be 28,350 ac-ft/yr for South Dakota, and 7,390 ac-ft/yr for Bennett County. These are both much lower than the lowest of the recharge estimates, indicating that at least 95,650 ac-ft/yr and 23,010 ac-ft/yr of unappropriated water is available in the Ogallala in South Dakota and Bennett County, respectively. Therefore, unappropriated water is available for the appropriations proposed by these permit applications.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board rely upon the record of observation well measurements in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 78 observation wells completed into the Ogallala aquifer, with 19 of these in Bennett County (Water Rights, 2016a). The locations of the three observation wells can be seen in Figure 1. Hydrographs for three of the nearest observation wells to the well sites proposed by these applications are shown in Figures 2-9.

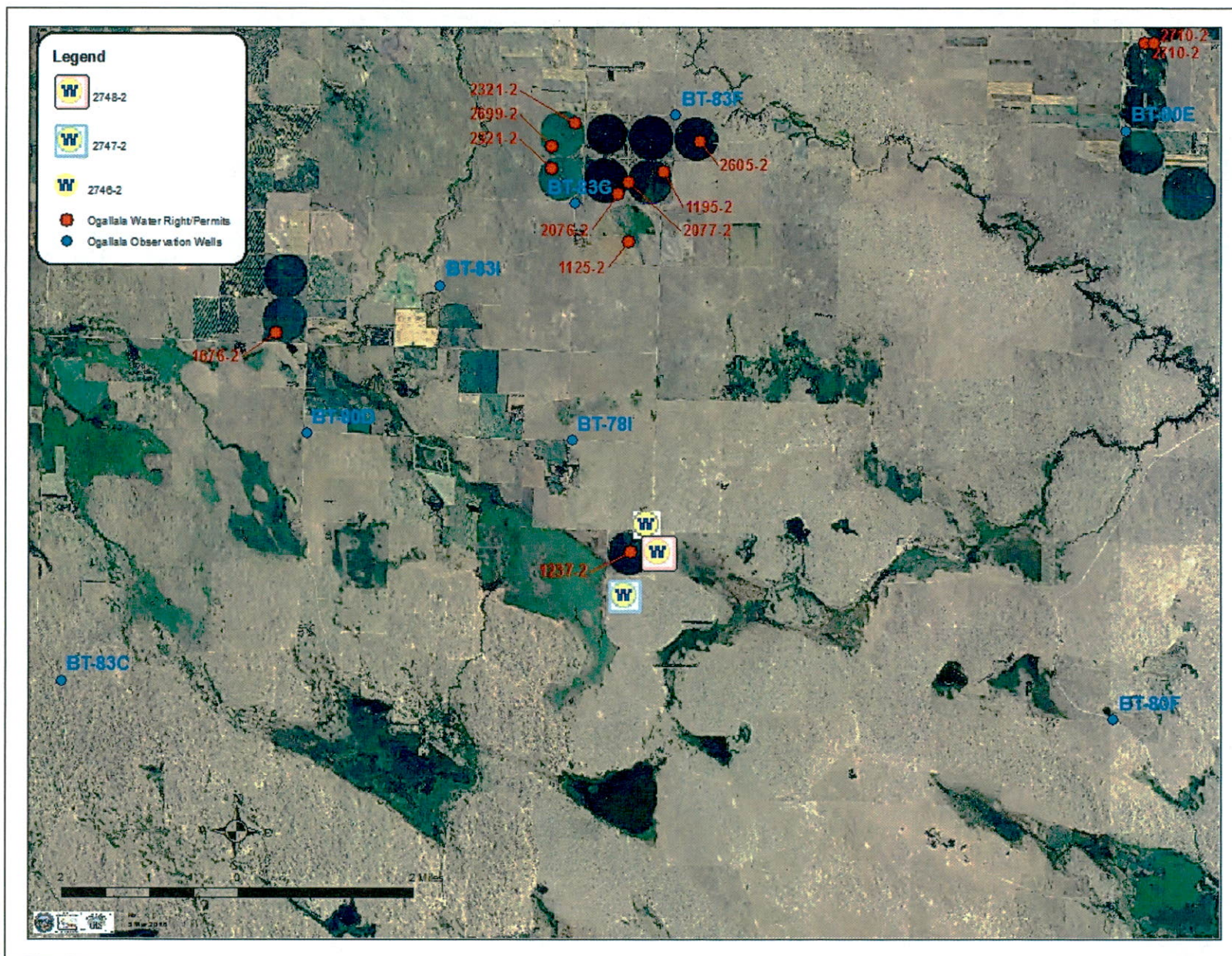


Figure 1. Aerial photo showing the location of: a) the well sites proposed by Application Nos. 2746-2, 2747-2 and 2748-2; b) Ogallala aquifer observation wells monitored by DENR-Water Rights Program; and c) Water rights/permits appropriating water from the Ogallala aquifer in the area.

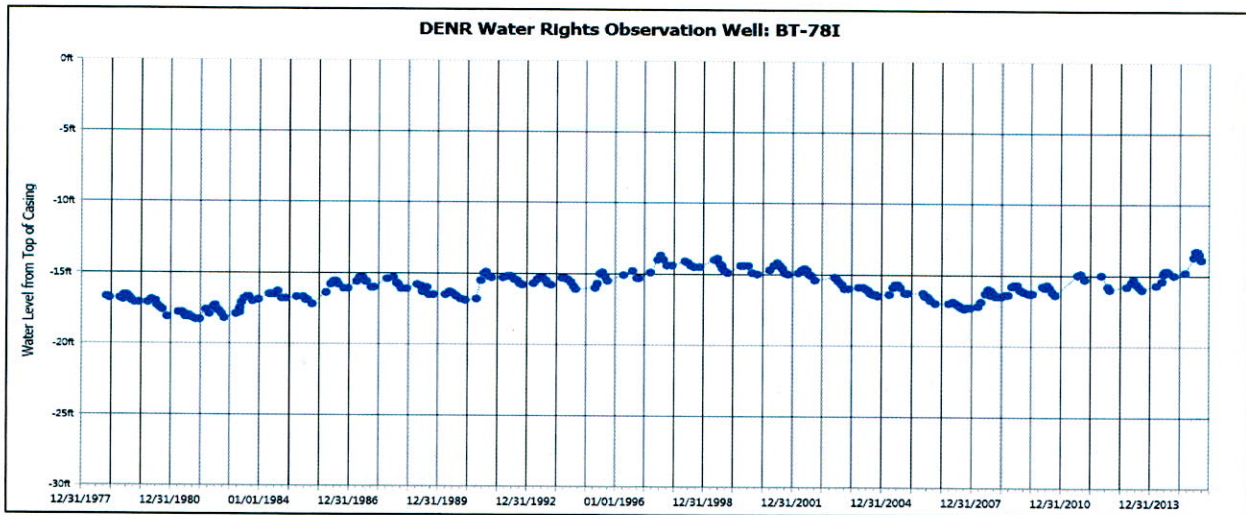


Figure 2. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

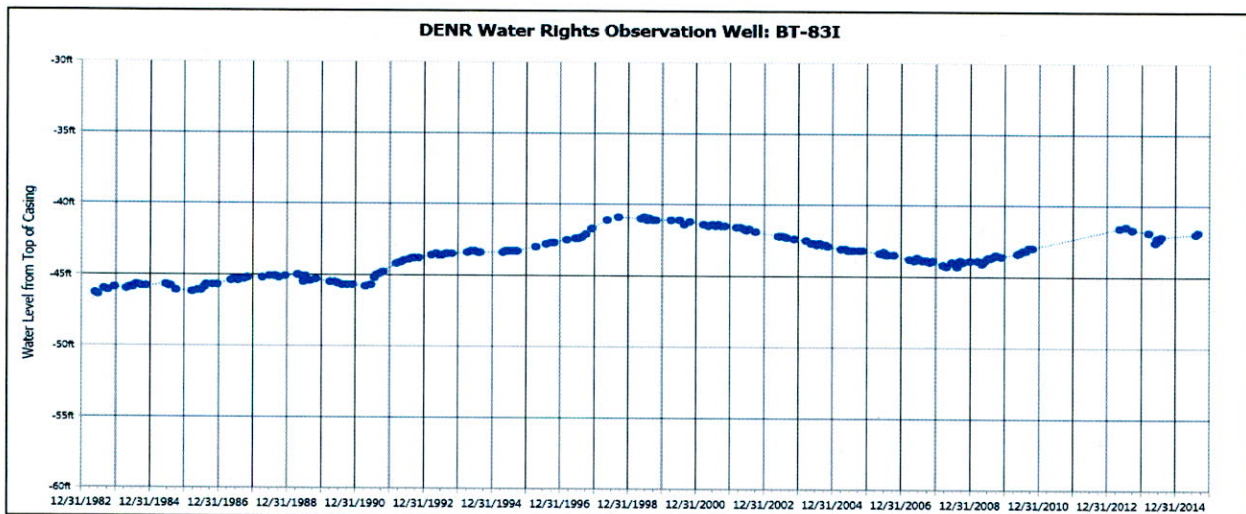


Figure 3. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

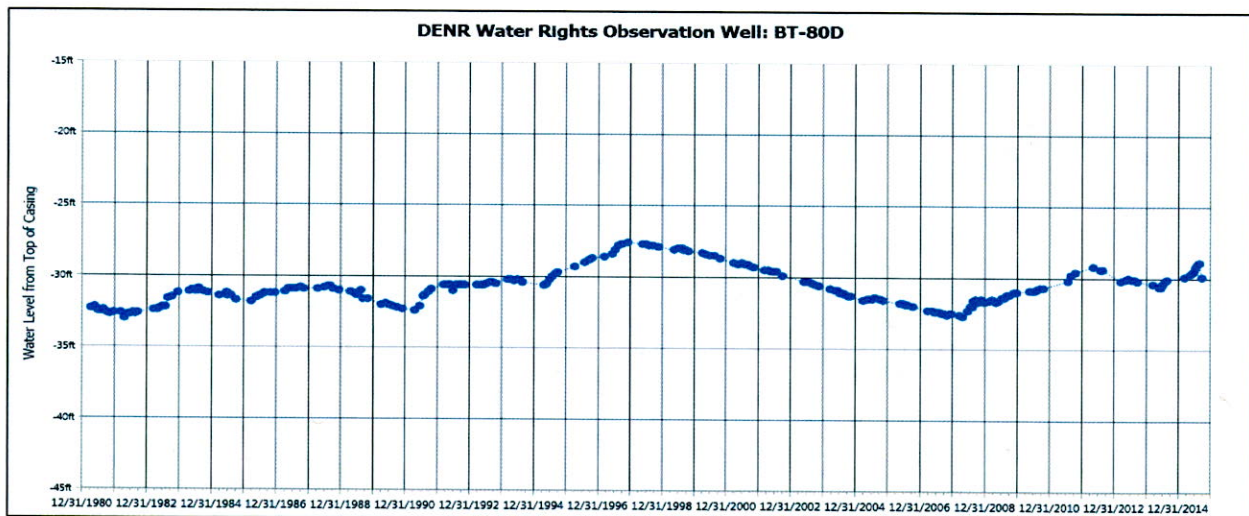


Figure 4. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

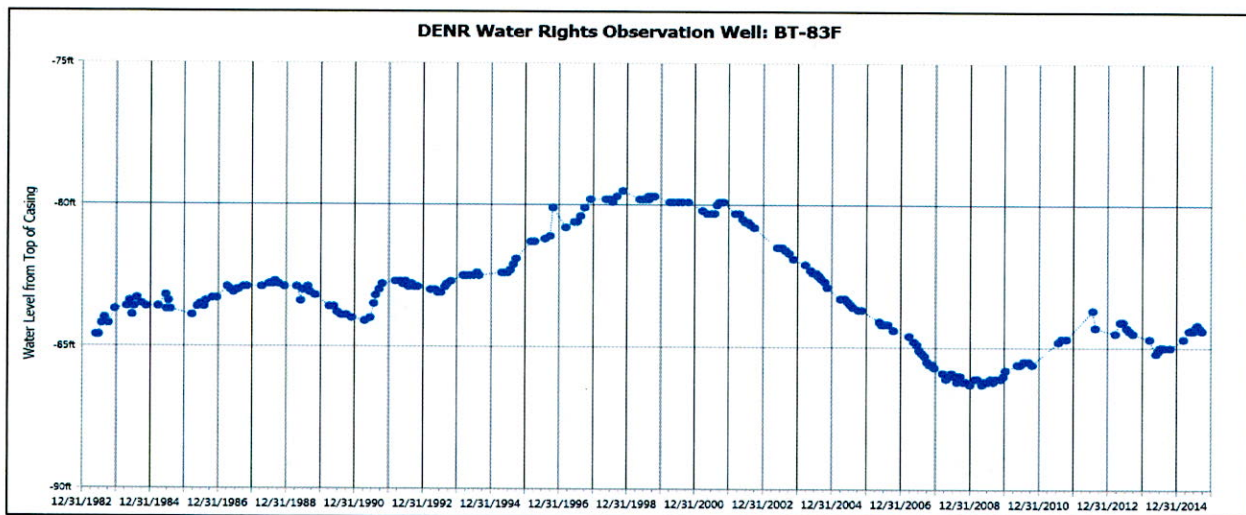


Figure 5. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

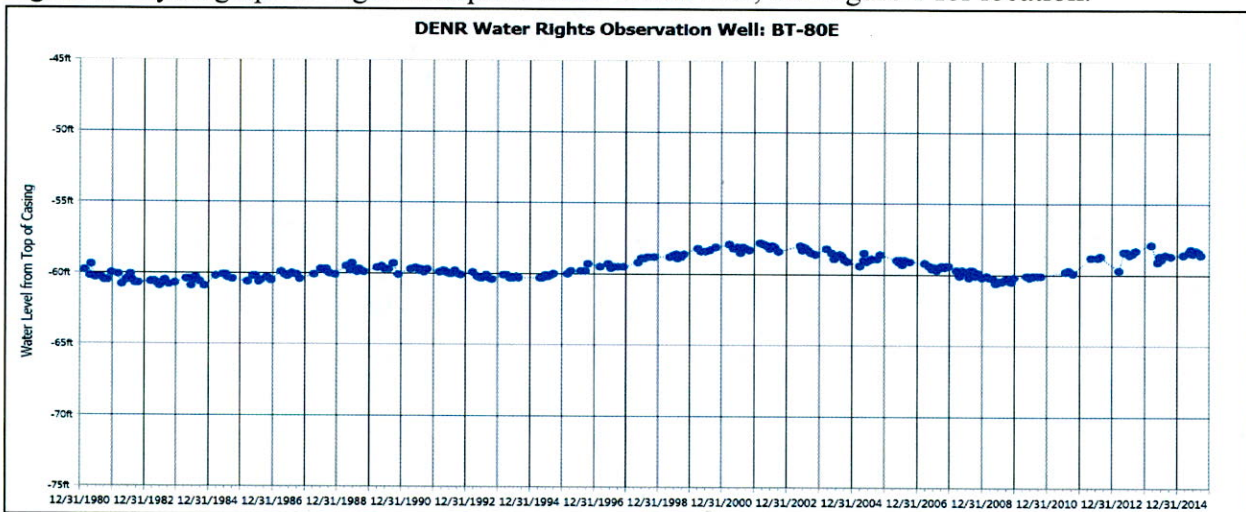


Figure 6. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

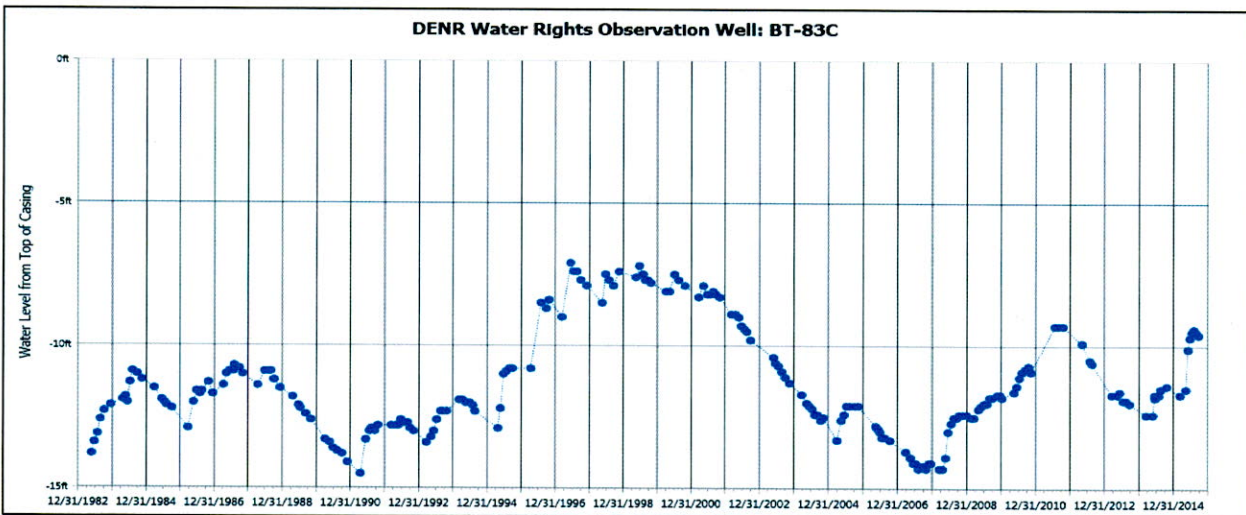


Figure 7. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

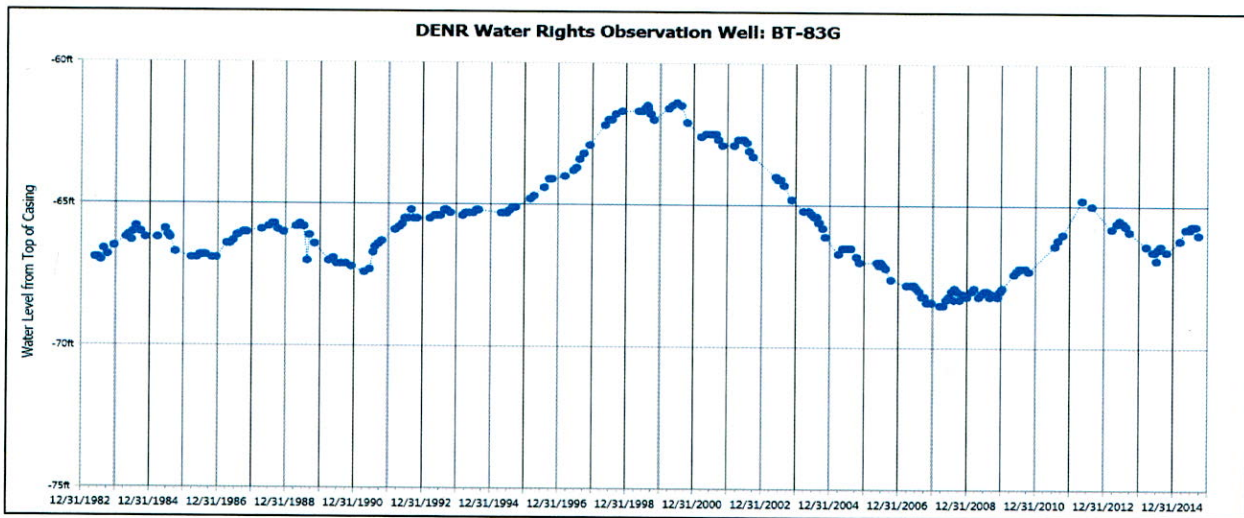


Figure 8. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

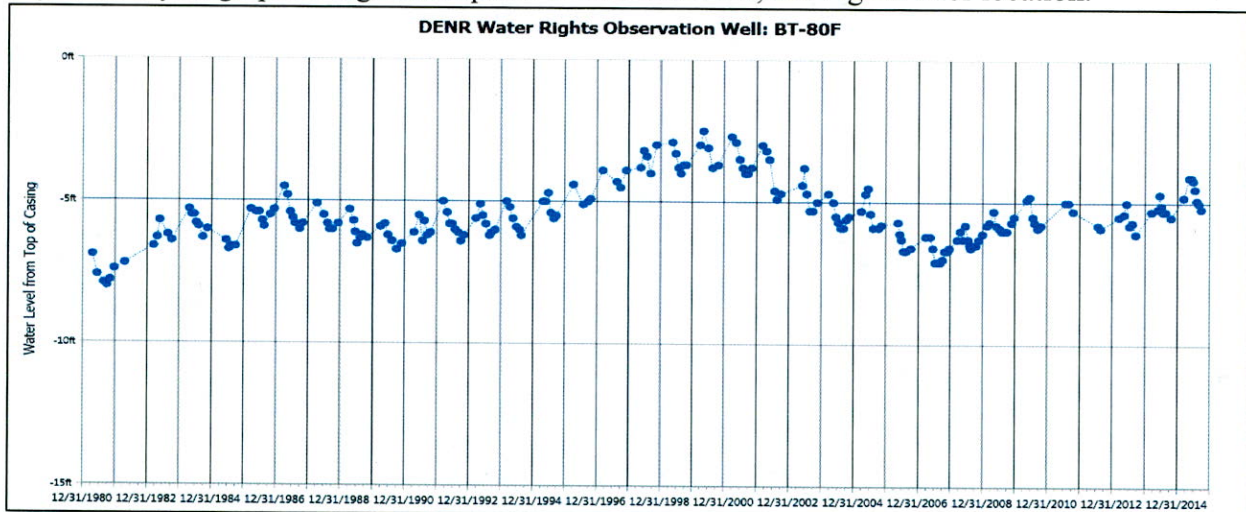


Figure 9. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

The observation well data documents cyclic conditions of water levels, rising during wet years and declining during dry years. The climatic conditions mask the temporal effects of well withdrawals indicating that recharge to and natural discharge from the Ogallala aquifer greatly exceeds well withdrawal. Therefore, unappropriated water is available from the Ogallala aquifer to support these proposed appropriations.

EXISTING WATER RIGHTS:

There are a number of completion reports on file with the DENR-Water Rights Program for domestic wells in this area. The approximate location of diversion points authorized for existing water rights/permits in this area are shown in Figure 1 and identified in Table 4.

Table 4. Water Rights/Permits shown in Figure 1.

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
1125-2	MARK/ILA MAE WALKER	10/02/1972	LC	IRR	2.67	246
1195-2	PLATTE HTRN BRTH	07/05/1974	LC	IRR	1.44	132
1237-2	BILLY JOE KIRK	02/04/1975	LC	IRR	1.78	132
1676-2	GEORGE/ELSIE FARLEY	09/17/1976	LC	IRR	2	262
2076-2	PLATTE HTRN BRTH	04/04/1989	LC	IRR	1.78	132
2077-2	PLATTE HTRN BRTH	04/04/1989	LC	IRR	1.78	132
2321-2	PLATTE HTRN BRTH	07/05/1974	LC	IRR	3.22	367
2605-2	PAUL FANNING	12/15/2006	LC	IRR	1.56	124
2699-2	PLATTE HTRN BRTH	11/15/2012	PE	IRR	2.12	197
2710-2	O'NEILL CATTLE CO INC	03/11/2013	LC	IRR	5.12	591

The well that supplies Water Right No. 1237-2 is located within approximately one-half mile of the wells proposed by Application Nos. 2746-2, 2747-2 and 2748-2.

The unconfined conditions of the Ogallala aquifer dictate that drawdown due to pumping will not be significant far from the proposed well site. Observation well data (see Figures 2-9) documents minimal drawdown from withdrawals of fairly concentrated irrigation wells. Considering the saturated thickness of the aquifer in this area (approximately 200 feet), the proposed diversions are not expected to significantly lower water levels within the aquifer. Given adequate well construction, the resultant drawdown is not expected to be sufficient to cause impairment in existing wells.

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. However, reasonable domestic use must be assured before irrigation use is allowed. Adequate well defined by ARSD 74:02:20(6) are not expected to be adversely or unlawfully impaired.

SDCL 46-5-6

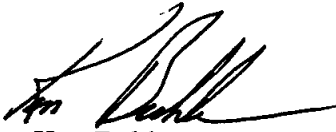
Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or "the equivalent thereof." The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires.

Water Permit Application No. 2746-2, proposes to divert 2.45 cfs to irrigate 160 acres, or the equivalent of 1.072 cfs per 70 acres. Water Permit Application No. 2747-2 proposes to divert 1.34 cfs to irrigate 64 acre, the equivalent of 1.466 cfs/70 acres, and Water Permit Application No. 2748-2 each propose to divert 1.56 cfs to irrigate 75 acres, the equivalent of 1.456 cfs/70 acres. The applicant has indicated that the soils in the area are very sandy and require higher application rates. In addition, Mr. Stewart indicated that in each case the irrigation equipment requires approximately the requested rate to operate correctly.

CONCLUSIONS

1. Water Permit Application No. 2746-2 proposes to divert water at a maximum diversion rate of 2.45 cfs to irrigate 160 acres.
2. Water Permit Application No. 2747-2 proposes to divert water at a maximum diversion rate of 1.34 cfs to irrigate 64 acres.

3. Water Permit Application No. 2748-2 proposes to divert water at a maximum diversion rate of 1.56 cfs to irrigate 75 acres.
4. There is a reasonable probability that unappropriated water is available from the Ogallala aquifer.
5. The applicant has requested diversion rates in excess of one cfs per 70 acres to properly supply the irrigation pivots.
6. There is a reasonable probability that these appropriations can be made without adversely impacting existing water rights or nearby wells.



Ken Buhler
DENR-Water Rights Program

REFERENCES:

- Allen, J.C., Iles, D.L., and Peters, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory: Final Report. U.S. Army Corp of Engineers Contract DAWC 45-82-C-015. SD DENR-Geological Survey. Vermillion, South Dakota.
- Buhler, K.A., 2012, Report on Water Permit Application No. 2559A-2 for John Markus: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota
- Filipovic, D, 2011, Hydrologic Assessment of the High Plains Aquifer in Bennett County, South Dakota. Open-File Report 92-UR. SD DENR-Geological Survey Program, Vermillion, South Dakota.
- Gutentag, E.D., Hiemes, F.J., Krothe, N.C., Luckey, R.R., Weeks, J.B., 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 63 p.
- Hedges, L.S., and Burch, S.L., 1985, Analysis of Ground-Water and Streamflow Data Western Dakota Region of South Dakota, Task 3.D and 4.C: Ground-Water Recharge: SD DENR-Geological Survey, Vermillion, South Dakota.
- Kolm, K.E. and H.L. Case III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota. Water-Resources Investigations Report 83-4175. U.S. Geological Survey. Lakewood, Colorado.
- Long, A.J., and Putnam, L.D., 2010, Simulated Groundwater Flow in the Ogallala and Arikaree Aquifers, Rosebud Indian Reservation Area, South Dakota=Revisions with Data Through Water Year 2008 and Simulations of Potential Future Scenarios: U.S. Geological Survey Scientific Investigations Report 2010-5104, 54 p.

Water Rights, 1983-2015, "1982-2014 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Water Rights, 2016a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights, 2016b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights, 2016c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Stewart, Forrest

RECEIVED

APR - 4 2016

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

County of Bennett

Taylor Kratovil, being, first duly sworn, on oath, says: That he/she is an employee of Huether Publishing, Inc., and that the **Bennett County Booster** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Bennett and State of South Dakota, for at least one year prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

March 30, 2016

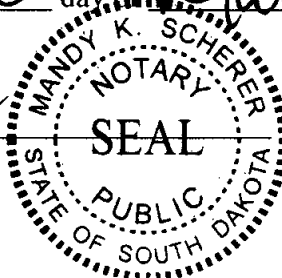
That the full amount of the fee charged for the publication of the attached public notice, \$42.84 insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: Taylor Kratovil

Subscribed and sworn to before me this 30 day of March, 2016.

Mandy K. Scherer
Notary Public

My Commission Expires
December 9, 2021



Legal Notices

Notice of Meeting of County Equalization Board

SDCL 10-11-25
NOTICE IS HEREBY GIVEN that the Board of County Commissioners, sitting as a County Board of Equalization of Bennett County, South Dakota will meet in the Commissioners' Chambers in said County on TUESDAY, the 12th day of April, 2016, (being the second Tuesday in April) for the purpose of reviewing, correcting and equalizing the assessment of said County for the year 2016.

All persons considering themselves aggrieved by said assessment are required to submit written notice to the County Auditor no later than April 5, 2016.

Susan Williams, Bennett County Auditor
Bennett County

Dated March 15, 2016
Published once at the total approximate cost of \$13.60
Published: March 30, 2016

Notice of Taking Tax Deed by County

CERTIFICATE NUMBER 93 of 2011
LEGAL DESCRIPTION: LOTS SIX (6) AND SEVEN (7), BLOCK THREE (3) OF THE FIRST ADDITION TO MARTIN, BENNETT COUNTY, SOUTH DAKOTA.
To Kenneth Miller (son of Floyd Miller deceased) the owner of record of the aforementioned described real property, the person in whose name said property is taxed and person in possession of said property. To the City of Martin, and to any other persons or entity who may have an interest in the aforementioned property.
You are hereby notified that, at sale of land and lots for unpaid taxes by the County Treasurer of Bennett County, South Dakota, the aforesaid real property situated in Bennett County, South Dakota, was first offered for sale at public auction to competitive bidders. Not having been sold for want of bidders, said County Treasurer's Certificate of sale was issued by the County Treasurer of Bennett County, South Dakota, who is now the lawful owner thereof. The right of redemption will expire until deed for said lot will be made upon expiration of sixty days from completed service of notices.
Dated this 16th day of March, 2016

Jolene Donovan
Bennett County Treasurer
Published twice at the total approximate cost of \$34.44
Published: March 23, 30, 2016

Notice to Creditors

STATE OF SOUTH DAKOTA)
COUNTY OF BENNETT)
IN THE CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT
03PRO #16-2
In the matter of the estate of)
William Lee Kennedy,)
Deceased.)
Notice to Creditors of Appointment)
of Personal Representative)

Notice is given that on the 3rd day of March, 2016, Jolene Dee Robinson, whose address is PO Box 481, Martin, South Dakota 57551, was appointed as personal representative of the estate of William Lee Kennedy.

Creditors of decedent must file their claims within four months after the date of the first publication of the notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk and a copy of the claim mailed to the personal representative.

Dated this 3rd day of March, 2016
/s/ Jolene Dee Robinson
PO Box 481
Martin, SD 57551

Becky Klauert
Bennett County Clerk of Courts
PO Box 281
Martin, South Dakota 57551
605-685-6969

Ryan McKnight, Attorney
Kjorstad McKnight Law Office
PO Box 848
Philip, South Dakota 57567
605-859-2783
Published three times at the total approximate cost of \$76.54
Published: March 16, 23, 30, 2016

Notice of Hearing

STATE OF SOUTH DAKOTA)
COUNTY OF BENNETT)
IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

In the Matter of the Petition regarding)
Alexandra Marie Hopkins-Salomon) CIV: 13-3
(Birth Certificate Name), A Minor Child)
AMENDED)
FOR A Change of Name to)
Alexandra Marie Salomon) NOTICE OF HEARING
(Proposed Name)) OF A MINOR CHILD
(UNCONTESTED))

In the Matter of the Petition regarding)
Stefanna Emmanuela Hopkins-Salomon) CIV: 13-3
(Birth Certificate Name), A Minor Child)
AMENDED)
FOR A Change of Name to)
Stefanna Emmanuela Salomon) NOTICE OF HEARING
(Proposed Name)) OF A MINOR CHILD
(UNCONTESTED))

In the Matter of the Petition regarding)
Jyles Cody Lee Hopkins-Salomon) CIV: 13-3
(Birth Certificate Name), A Minor Child)
AMENDED)
FOR A Change of Name to)
Jyles Lee Salomon) NOTICE OF HEARING
(Proposed Name)) OF A MINOR CHILD
(UNCONTESTED))

NOTICE IS HEREBY GIVEN that a Verified Petition for Name Change of a Minor Child has been filed by Anna Desiree Salomon the object and prayer of which is to change their minor child's name from Alexandra Marie Hopkins-Salomon to Alexandra Marie Salomon, from Stefanna Emmanuela Hopkins-Salomon to Stefanna Emmanuela Salomon, from Jyles Cody Lee Hopkins-Salomon to Jyles Lee Salomon.

On the 12 day of April, 2016, at the hour of 1:00 p.m. said Verified Petition will be heard by the Court before the Honorable Kathleen Treadahl Presiding at the Court Room in the Bennett County Courthouse, City of Martin, Bennett County, South Dakota, or as soon thereafter as is convenient for the court. Any interested party, may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 1 day of March, 2016, at Martin, South Dakota.
/s/ Rebecca J. Klauert
Clerk of Court

Published four times at the total approximate cost of \$121.16
Published: March 9, 16, 23, 30, 2016

Request for Proposal

The Martin Housing Authority will be receiving bids for the demolition/disposal and re-concreting of a driveway, sidewalks and patio at 101 Dorothy Street until 3:00 p.m. Tuesday, April 5, 2016.

This will include all labor and materials needed to tear out and replace the existing concrete.

Specifications and packets may be picked up at the Martin Housing Authority Office. A copy of HUD forms 5369, Instructions to Bidders and 5369A, Representations, Certifications and Other Statements of Bidders and Davis Bacon wage rates are enclosed.

Project should be completed no later than July 31, 2016.

Please contact the Martin Housing Authority at 817 Second Avenue, Monday-Wednesday from 8:00 a.m. - 3:00 p.m. to set up an appointment for a site visit.

Bids must be clearly marked "Concrete Bid" and may be deposited at the Office or mailed to the Martin Housing Authority, PO Box 149, Martin, SD 57551-0149.

The MHA Board of Directors reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$28.29
Published: March 23, 30, 2016

Request for Bids

The Martin Housing Authority will be receiving bids for Thirty white (30) 40"x46" DBL Hung, Pella Impervia Pocket Replacement Window Units, (or an approved equivalent) at three duplexes until 3:00 p.m. Tuesday, April 12, 2016.

Work shall include removal and disposal of existing windows (HA will keep some parts), installation of new windows and trim. Work is to be completed by July 31, 2016.

Specifications and packets may be picked up at the Martin Housing Authority Office. A copy of HUD forms 5369, Instructions to Bidders and 5369A, Representations, Certifications and Other Statement of Bidders and Davis Bacon wage rates are enclosed.

Please contact the MHA at 817 Second Avenue, Monday-Wednesday from 8:00 a.m. - 3:00 p.m. to set up an appointment for a site visit.

Bids must be clearly marked "Window Bid" and may be deposited at the Office or mailed to the Martin Housing Authority, PO Box 149, Martin, SD 57551.

The MHA Board of Directors reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$28.29
Published: March 23, 30, 2016

Request for Bids

The Martin Housing Authority will be receiving bids until 3:00 p.m. on Tuesday, April 5, 2016 for the installation of 23 (twenty-three) Westinghouse FG75 Series energy star rated Heat Pumps with LP Auxiliary heat (or an approved equivalent) to be installed over the next 4 (four) years. The number of units installed each year is dependent upon MHA yearly funding.

The work shall include removal and disposal of the existing heating/AC units, replacement of gas fittings, valves, ductwork, from and thermostats.

A copy of the specifications, along with HUD forms 5369, Instructions to Bidders and 5369A, Representations, Certifications, Other Statement of bidders and a current Davis Bacon Wage Rate Determination may be picked up at the office.

Please contact the Martin Housing Authority at 817 Second Avenue, Monday-Wednesday from 8:00 a.m. - 3:00 p.m. to set up an appointment for a site visit.

Bids must be clearly marked "Heat Pump Bid" and may be deposited at the Office or mailed to the Martin Housing Authority, PO Box 149, Martin, SD 57551.

The MHA Board of Directors reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$31.98
Published: March 23, 30, 2016

Notice to Creditors

STATE OF SOUTH DAKOTA)
COUNTY OF BENNETT)
IN THE CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT
03PRO #16-2
In the matter of the estate of)
Helen Cleone Kennedy,)
Deceased.)
Notice to Creditors of Appointment)
of Personal Representative)

Notice is given that on the 3rd day of March, 2016, Jolene Dee Robinson, whose address is PO Box 481, Martin, South Dakota 57551, was appointed as personal representative of the estate of Helen Cleone Kennedy.

Creditors of decedent must file their claims within four months after the date of the first publication of the notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk and a copy of the claim mailed to the personal representative.

Dated this 3rd day of March, 2016.
/s/ Jolene Dee Robinson
PO Box 481
Martin, SD 57551

Becky Klauert
Bennett County Clerk of Courts
PO Box 281
Martin, South Dakota 57551
605-685-6969

Ryan McKnight, Attorney
Kjorstad McKnight Law Office
PO Box 848
Philip, South Dakota 57567
605-859-2783
Published three times at the total approximate cost of \$76.54
Published: March 16, 23, 30, 2016

**OST Early Intervention/
Special Education**

Is now accepting bids for the following services for the 2016-2017 year:

- Occupational Therapy
- Physical Therapy
- Speech/Language
- Special Instruction

Please send all bids & proposals to:

0.5-3 Special Education/ Early Intervention Program
Attn: Stephanie Louden
PO Box 1941
Pine Ridge, SD 57770

Please be specific on envelope.
"Bid Proposal"

Will be accepting bids until: April 29, 2016

Notice of Application to Appropriate Water

NOTICE OF APPLICATION NOS. 2746-2, 2747-2, 2748-2 to Appropriate Water

Notice is given that Forrest Stewart, 29845 237th Ave, Cody, NE 69211 has filed the following applications for a water permit.

Application No. 2746-2 proposes to appropriate 2.45 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the SE 1/4 SE 1/4 Section 19 for irrigation of 160 acres located in the NE 1/4 SE 1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 19, all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2747-2 proposes to appropriate 1.34 cfs from one well to be completed into the Ogallala Aquifer (240 feet deep) located in the NW 1/4 SE 1/4 Section 30 for irrigation of 64 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 30, all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2748-2 proposes to appropriate 1.56 cfs from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 29 for irrigation of 73 acres located in the W 1/2 NW 1/4 Section 29 and SW 1/4 SW 1/4 Section 29, all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2746-2, 2747-2 and 2748-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://fems.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 11, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the application pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$42.84
Published: March 30, 2016

Noem announces congressional art contest now open to SD students

WASHINGTON, D.C. — completely original—in concept, design, and execution. Artwork must also be entered in the original medium; no scanned reproductions are allowed. To submit an entry, send a completed student release form and a high-quality photo of the art to the South Dakota Arts Council's Rebecca Cruse at rebecca.cruse@state.sd.us by April 19. Winners will be notified on April 22.

Click the opportunity for a full list of rules and guidelines. More information can also be found by visiting the Congressional Art Competition website or by calling Rep. Noem's Washington, DC, office at 202-225-2801.

Any high school student in South Dakota is welcome to enter. Artwork must be

The City of Britton is offering

APARTMENTS FOR SALE

• Parkview Apartments - a 7 apartment complex located on 3rd Street and 9th Avenue
• Midtown Apartments - a 5 apartment complex located on 7th Street and 8th Avenue

Sealed bid will be received and opened June 13 at 2:00 p.m. For information contact Marie Marlow at City Hall 605-448-5221 from 8:30 a.m. - 3:30 p.m.

Bennett County Nursing Home

Job Opening

Certified Nursing Assistant (CNA)

Seeking full-time and part-time CNA's at the Bennett County Nursing Home. Turn applications into Melanie Peil, Human Resources. Improved salary scale and competitive benefits package.

For application or questions please contact Melanie Peil at 605-685-6622, ext. 1138 or apply on-line at bennettcountynursinghome.com

Bennett County Hospital and Nursing Home

is an equal opportunity employer.

Martin, S.D. 57551

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APR - 4 2016

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Hughes)

I, Marilynn Baker

certify that the attached printed Notice was taken
from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

3-31-16

Cost of Printing \$44.06

Marilynn Baker
(Signature)

Bookkeeper
(Title)

4-1-16
(Date Signed)

Public Notice

14833
10/11/3/00
NOTICE OF
APPLICATION
NOS. 2748-2,
2747-2, 2748-2 to
Appropriate
Water

Notice is given
that Forrest
Stewart, 26845
237th Ave, Cody
NE 68211 has
filed the following
applications for a
water permit.
Application No.
2748-2 proposes
to appropriate
2.45 cubic feet of
water per second
(cfs) from one well
to be completed
into the Ogallala
Aquifer (280 feet
deep) located in
the SE 1/4 SE 1/4
Section 19 for
irrigation of 160
acres located in
the NE 1/4, E1/2
NW 1/4, NW 1/4
SE 1/4, NE 1/4
SW 1/4 Section
18 all in T36N-
R34W. The appli-
cant is requesting
a diversion rate
greater than the
statutory limit of 1
cfs per 70 acres.
Application No.
2747-2 proposes
to appropriate
1.34 cfs from one
well to be com-
pleted into the
Ogallala Aquifer
(240 feet deep)
located in the NW
1/4 SE 1/4 Sec-
tion 30 for iriga-
tion of 64 acres
located in the W
1/2 SE 1/4, SE 1/4
SE 1/4 Section 30;
all in T36N-R34W.
The applicant
is requesting a
diversion rate
greater than the
statutory limit of 1
cfs per 70 acres.
Application No.
2748-2 proposes
to appropriate
1.66 cfs from one
well to be com-
pleted into the
Ogallala Aquifer
(280 feet deep)
located in the
NW 1/4 NW 1/4
Section 29 for
irrigation of 75
acres located in
the W 1/2 NW 1/4
Section 29 and
SW 1/4 SW 1/4
Section 20; all in
T36N-R34W. The
applicant is re-
questing a diver-
sion rate greater
than the statutory
limit of 1 cfs per
70 acres.
Pursuant to SDCL
46-2A-2, the Chief
Engineer recom-
mends APPROV-
AL of Application
Nos. 2748-2,
2747-2 and 2748-
2 with qualifica-
tions because 1)
unappropriated
water is available,
2) existing rights
will not be unlaw-
fully impaired, 3) it
is a beneficial use
of water, and 4)
it is in the pub-
lic interest. The
Chief Engineer's
recommendation
with qualifications,
the application,
and staff report
are available at
<http://dwr.sd.gov/>
public or contact
Eric Gronlund for
this information,
or other informa-
tion, at the Water
Rights Program
address provided
below.
Any person inter-
ested in oppos-
ing or supporting
these applications
or recommenda-
tions must file a
written petition
with BOTH the
applicant and
Chief Engineer.
The applicant
must file a petition
if contesting the
Chief Engineer's
recommendation.
The Chief Engi-

ner's address
is "Water Rights
Program, Foss
Building, 523 E
Capitol, Pierre SD
57501 (605 773-
3352)" and the
applicant's mailing
address is given
above. A petition
filed by either an
interested person
or the applicant
must be filed by
April 11, 2016.
The petition
may be infor-
mal, but must
include a state-
ment describing
the petitioner's
interest in the
applications, the
petitioner's rea-
sons for opposing
or supporting the
applications, and
the signature and
mailing address
of the petitioner
or the petitioner's
legal counsel. If
legal counsel is
obtained.
If the applicant
does not contest
the recommenda-
tions of the Chief
Engineer and no
petition to oppose
the applications
are received,
the Chief Engi-
neer shall act on
the application
pursuant to the
recommendations
with no hearing
held before the
Water Manage-
ment Board. If a
petition opposing
the applications
or contesting the
recommendations
is filed, then a
hearing will be
scheduled and the
Water Manage-
ment Board will
consider these
applications. No-
tice of the hearing
will be given to
the applicant and
any person filing a
petition.
Steven M. Pines,
Secretary,
Department of
Environment and
Natural Resources
Published once
at the total ap-
proximate cost of
\$44.06.



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Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 22, 2016 8:29 AM
To: 'booster@gwtc.net'
Subject: 2746-2, Forrest Stewart
Attachments: 2746-48-2pluralnov2015public.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on March 30, 2016.

Forrest Stewart, 29845 237th Ave, Cody NE 69211 (605 685-1064) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, March 22, 2016 8:30 AM
To: legals@capjournal.com
Subject: 2746-2, Forrest Stewart
Attachments: 2746-48-2pluralnov2015public.short1.docx; FORM8.FRM.doc

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Karen Schlaak
Water Rights Program
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Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

March 22, 2016

Forrest Stewart
29845 237th Ave
Cody NE 69211

Dear Mr. Stewart:

Water Permit Application Nos. 2746-2, 2747-2 and 2748-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Bennett County Booster printed at Martin SD (Ph # 605-685-6866) and the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.

NOTICE OF APPLICATION NOS. 2746-2, 2747-2, 2748-2 to Appropriate Water

Notice is given that Forrest Stewart, 29845 237th Ave, Cody NE 69211 has filed the following applications for a water permit.

Application No. 2746-2 proposes to appropriate 2.45 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the SE 1/4 SE 1/4 Section 19 for irrigation of 160 acres located in the NE 1/4, E1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 19; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2747-2 proposes to appropriate 1.34 cfs from one well to be completed into the Ogallala Aquifer (240 feet deep) located in the NW 1/4 SE 1/4 Section 30 for irrigation of 64 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 30; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2748-2 proposes to appropriate 1.56 cfs from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 29 for irrigation of 75 acres located in the W 1/2 NW 1/4 Section 29 and SW 1/4 SW 1/4 Section 20; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2746-2, 2747-2 and 2748-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 11, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the application pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

RECEIVED

APR - 7 2016

**WATER RIGHTS
PROGRAM**

Monday, April 4, 2016

Water Rights Program
523 E Capitol
Pierre S.D. 57501

To Whom It May Concern

This Letter is to contest water rights applications 27462-2, 2747-2 & 2748-2

By Forrest Stewart of Cody, NE.

Due to the proximity of existing well, I have concerns with 3 new wells
affecting operation of my well on NW1/4 Sec 30, 36N & 34W.

Your addressing of this matter is appreciated.

Thank You

Billy Joe Kirk

Billy Joe Kirk



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 18, 2016

Forrest Stewart
29845 237th Ave
Cody NE 69211

Dear Mr. Stewart:

We received the additional information you submitted regarding your three *Applications for a Permit to Appropriate Water* for irrigation in Bennett County.

Enclosed is one application that needs your signature at the bottom. Please sign and return.

The application/license fees for each application are as follows:

Application for irrigation of 160 acres in Section 19 - \$1,050.00
Application for irrigation of 64 acres in Section 30 - \$950.00
Application for irrigation of 75 acres in Section 29 & 20 - \$950.00

Total fee required is \$2,950.00

Upon receipt of the above, further processing of your applications will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 23, 2015

Forrest Stewart
29845 237th Ave
Cody NE 69211

Dear Mr. Stewart:

Thank you for submitting the three *Applications for a Permit to Appropriate Water* for irrigation in Bennett County. In order to complete each application, the following is required.

Application to irrigate 160 acres in Section 19

- Please complete Item No. 4, the location of point of diversion. From the map it appears the well will be located in the SE 1/4 SE 1/4 Section 19-T36N-R34W. Do you agree?
- Please complete Item No. 7 giving the breakdown of the number of acres to be irrigated in each quarter-quarter within Section 19 totaling 160 acres.
- State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 2.28 cfs or 1026 gpm to irrigate the total 160 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).
- Please sign where required at the bottom of the form.
- The application/license fee for irrigation of 160 acres will be \$1050.00.

Application to irrigate 100 acres in Section 30

- Please complete Item No. 4, the location of point of diversion. From the map it appears the well will be located in the NW 1/4 SE 1/4 Section 30-T36N-R34W. Do you agree?
- Please complete Item No. 7 giving the breakdown of the number of acres to be irrigated in each quarter-quarter within Section 30 totaling 100 acres. It appears the number of acres would be less than 100 acres.
- The application/license fee for irrigation of 60-120 acres will be \$950.00.

Application to irrigate 100 acres in Section 29

- Please complete Item No. 4, the location of point of diversion. From the map it appears the well will be located in the W 1/2 NW 1/4 Section 29-T36N-R34W. Do you agree?
- Please complete Item No. 7 giving the breakdown of the number of acres to be irrigated in each quarter-quarter within Section 29 totaling 100 acres. It appears the number of acres would be less than 100 acres.

September 23, 2015

Forrest Steward

Page 2

- As stated above you are requesting a greater diversion rate than the statutory limit. Under State Statutes, you are allowed 1.43 cfs or 643.5 gpm to irrigate 100 acres. Please justify in writing your request for a diversion rate greater than the statutory limit.
- The application/license fee for irrigation of 60-120 acres will be \$950.00.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,



Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Forrest Stewart

ADDRESS: COUNTY: Bennett County

DATE: February 26, 2016 TELEPHONE: 685-1064

RE: diversion rate request

Mr. Stewart filed three applications for irrigation. I contacted Mr. Stewart regarding the diversion "pump" rate requested on each application. South Dakota water rights law sets forth a limit on the diversion rate based on the number of acres requested. In each case the applications request more that this statutory limit.

All in T36N, R34W

Application	Requested Acres	Requested pump rate	Statutory limit based on number of acres requested
NE ¼ E ½ NW ¼, NW ¼ SE ¼ and SE ¼ SE ¼ Section 19	160	1,100 gpm	1,025 gpm
SE ¼ Section 30	64	600 gpm	410 gpm
W ½ NW ¼ Section 29 & SW ¼ SW ¼ Section 20	75	700 gpm	480 gpm

I stated there is the ability to request a greater diversion if the method of irrigation, time constraints of diversions or type of soil so requires.

Mr. Stewart said that the soils in this area are very sandy. He also indicated in each case, the irrigation equipment requires approximately the requested amount. Specifically,

- In Section 19 this center pivot is larger than the standard quarter section pivot.
- In Section 30 these are two small pivots
- In Section 29 this is a full sized quarter section pivot that only makes a windshield wipe rotation. The 700 gpm is needed to operate the pivot efficiently.

NAME: Eini Stenlund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 13, 2016

NOTICE OF HEARING

TO: Forrest Stewart
29845 237th Avenue
Cody NE 69211

Billy Joe Kirk
107 Dakota Drive
Martin SD 57551

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application Nos. 2746-2, 2747-2 and 2748-2,
Forrest Stewart

A petition of opposition to the Chief Engineer's recommendation of approval of Water Permit Application Nos. 2746-2, 2747-2 and 2748-2 was filed by Billy Joe Kirk. This was in response to the Notice of Application published in the Bennett Co Booster II and Capital Journal. This notice schedules a hearing on Application Nos. 2746-2, 2747-2 and 2748-2 before the South Dakota Water Management Board.

Water Permit Application No. 2746-2 proposes to appropriate 2.45 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the SE 1/4 SE 1/4 Section 19 for irrigation of 160 acres located in the NE 1/4, E1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 19; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Water Permit Application No. 2747-2 proposes to appropriate 1.34 cfs from one well to be completed into the Ogallala Aquifer (240 feet deep) located in the NW 1/4 SE 1/4 Section 30 for irrigation of 64 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 30; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2748-2 proposes to appropriate 1.56 cfs from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 29 for irrigation of 75 acres located in the W 1/2 NW 1/4 Section 29 and SW 1/4 SW 1/4 Section 20; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2746-2, 2748-2 and 2748-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The Water Management Board will consider Application Nos. 2746-2, 2748-2 and 2748-2 at 9:00 AM (Central Daylight Time) on Thursday, May 5, 2016, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate. Parties will be provided written notice if there is a change to the hearing time or date.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications after it reaches a conclusion based on the facts presented at the public hearing.

The May 5, 2016, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the applications. The request for an automatic delay must be filed by April 25, 2016. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Contact Eric Gronlund at the above Chief Engineer's address to request the staff report, recommendations, applications or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is a copy of the report, recommendations, affidavits of publication and petition in the matter of Water Permit Application Nos. 2746-2, 2748-2 and 2748-2. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." You are encouraged to review these documents prior to the hearing.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by direct mail to you, and the applicable date to give notice to the Chief Engineer is April 25, 2016. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to these applications: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

enclosures

c: Ann Mines-Bailey, Assistant Attorney General
Rod Kirk, 107 Dakota Drive, Martin SD 57551

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 2746-2, 2747-2 AND 2478-2
FORREST STEWART
11 MARCH 2016**

Water Permit Application No. 2746-2 proposes to appropriate water from the Ogallala aquifer for the irrigation of 160 acres located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T36N-R34W. The application proposes to divert water from a well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, T36N-R34W at a maximum diversion rate of 2.45 cubic feet of water per second (cfs). The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2747-2 proposes to appropriate water from the Ogallala aquifer for the irrigation of 64 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T36N-R34W. The application proposes to divert water from a well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T36N-R34W at a maximum diversion rate of 1.34 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2748-2 proposes to appropriate water from the Ogallala aquifer for the irrigation of 75 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 29, T36N-R34W and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, T36N-R34W. The application proposes to divert water from a well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T36N-R34W at a maximum diversion rate of 1.56 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

AQUIFER: Ogallala aquifer (OGLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The High Plains aquifer system underlies 174,000 square miles of the United States, extending from southern South Dakota to Texas (Gutentag and others, 1984). The High Plains aquifer is generally considered to be composed of the upper sandstone units of the Arikaree Formation, the overlying Ogallala and Sand Hills Formations, and any terrace or alluvial deposits, all of which are hydraulically connected (Kolm and Case, 1983). In South Dakota, the High Plains aquifer includes the Arikaree Group, Batesland Formation, Ogallala Group, and overlying alluvial and eolian deposits (Filipovic, 2011). For water management purposes, the South Dakota Department of Environment and Natural Resources-Water Rights Program, and the South Dakota Water Management Board have historically considered appropriations from the High Plains aquifer either from the Ogallala aquifer or from the Arikaree aquifer. The Ogallala aquifer is considered the source for this proposed appropriation.

The Ogallala Group consists of clays, silts, sands, and surface gravel deposits, and is the most productive part of the High Plains aquifer (Filipovic, 2011; Gutentag and others, 1984). The Ogallala aquifer is estimated to underlie 1,140,360 acres and contain 19,929,600 ac-ft of recoverable water in South Dakota (Allen and others, 1985). Allen and others, (1985) estimated the Ogallala aquifer to underlie 280,960 acres and contain 2,809,600 ac-ft of recoverable water in Bennett County. The test hole logs submitted with Application Nos. 2746-2 and 2747-2 indicate the base of the Ogallala is approximately 270 and 218 feet below grade, respectively.

The aquifer is under unconfined conditions and the water table was reported to be approximately 21-37 feet below grade in April 2015. Groundwater flow in this area is generally from the southwest to northeast but locally topographically controlled and is towards the Little White River (Filipovic, 2011).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the greenhorn formation and the water is to be used by a water distribution system, the Board need not consider the recharge/withdrawal issue. Here, a water distribution system is not involved and the aquifer is not older or lower than the greenhorn formation therefore withdrawal/recharge issue must be considered.

These applications propose to authorize the irrigation of 299 additional acres from the Ogallala aquifer. The average annual diversion rate associated with this proposed appropriation can be expected to be less than 300 acre-feet per year.

Hydrologic Budget:

Recharge:

Recharge to the Ogallala aquifer occurs from precipitation on the outcrop areas. Estimates for the average annual recharge to the Ogallala aquifer are shown in Table 1.

Table 1. Average annual recharge estimates for the Ogallala aquifer

ESTIMATED AVERAGE ANNUAL RECHARGE	METHOD	SOURCE
2.2-3.4 inches/year	Observation Well Data	Hedges and Burch, 1985
1.88 inches/year	Base flow Recession Analysis	Hedges and Burch, 1985
1.3-1.8 inches/year	Digital Model	Kolm and Case, 1983
2.91 inches/year	Digital Model	Long and Putnam, 2010

Therefore, recharge to the Ogallala aquifer in South Dakota is estimated to range from 124,000 to 323,000 ac-ft/yr. Recharge to the portion of the aquifer in Bennett County ranges from 30,400 to 79,600 ac-ft/yr.

Discharge:

Discharge from the Ogallala aquifer occurs through evapotranspiration, seepage through springs and to streams and rivers such as the Niobrara and the Little White, and well withdrawals (Filipovic, 2011). There are currently 171 water rights/permits and three future use permits appropriating water from the Ogallala aquifer in South Dakota, with 45 water rights/permits in Bennett County (Water Rights, 2016b). In addition to appropriative users, there are a number of wells completed into the Ogallala aquifer that are used for self-supply domestic use and livestock watering. The reasonable domestic use that occurs through these wells does not contribute significantly to a hydrologic budget for the Ogallala aquifer. The Pine Ridge and Rosebud Indian Reservations tribal members operate a number of irrigation wells completed into the Ogallala aquifer. When investigating 2010 aerial photography for the area, the majority of the irrigation is authorized by SD DENR-Water Rights Program and the Water Management Board (Buhler, 2012).

The irrigation development of the Ogallala aquifer has remained relatively constant over the period of record of 1982-2015 (see Tables 2 & 3). Well withdrawals for irrigation have fluctuated over the years due to climatic and economic conditions. The average irrigation pumpage reported for the Ogallala aquifer in South Dakota over the period of record is 18,589.67 ac-ft/yr. Average irrigation pumpage from the Ogallala aquifer in Bennett County from 1982-2014 is 7390.8 ac-ft/yr (Water Rights, 1983-2015).

Table 2. Historic Irrigation use from the Ogallala aquifer in South Dakota (Water Rights, 1983-2015)

Year	Number of Permits Reporting	Appropriation	Pumpage Reported
		(ac-ft/yr)	(ac-ft/yr)
1982	93	62475.95	9217.41
1983	101	66508.65	10175.49
1984	109	68087.95	13273.4
1985	108	56382.05	18536.5
1986	105	59270.95	12952.6
1987	104	59472.95	12347.9
1988	103	57456.1	16154.4
1989	104	56839.4	27261.5
1990	107	57288.4	16511.6
1991	108	56438.8	16049.54
1992	107	54197.5	11985.8
1993	105	53357.5	11099.9
1994	108	54664.2	16699.41
1995	107	54719.2	14276.9
1996	110	55713.2	21222.84
1997	111	55610.2	18707
1998	109	54106.8	13777.34
1999	110	54366.8	13733.72
2000	111	54686.8	16141.74
2001	110	54653.6	18121.82
2002	105	52218.8	24176.59
2003	105	51408.8	22085.21
2004	107	51877.8	23939.9
2005	108	52537.8	20131.74
2006	111	52953.7	25733.32
2007	114	52681.7	24051.2
2008	116	53095.7	24498.85
2009	116	53095.7	22130.45
2010	115	52529.7	21261.58
2011	116	52856.7	15294.73
2012	118	53238.7	33224.01
2013	129	57392.7	26527.51
2014	136	59732.7	22157.13
Max	136	68087.95	33224.01
Min	93	51408.8	9217.41
Average	109	55693.3	18589.67

Table 3. Historic Irrigation use from the Ogallala aquifer in Bennett County, SD (Water Rights, 1983-2015)

Year	Number of Permits Reporting	Appropriation	Pumpage Reported
		(ac-ft/yr)	(ac-ft/yr)
1982	35	17457.3	2032.77
1983	37	18134.3	4259.07
1984	44	22288.2	4816.4
1985	42	19778	8022
1986	41	19935	4359.6
1987	40	19663	5624
1988	39	18063	6366.5
1989	41	18730	10212.6
1990	43	19248	7169
1991	43	19248	6270.2
1992	43	19248	5629
1993	43	19248	4447.5
1994	44	20500	7448.54
1995	42	20218	5936.46
1996	44	20204	6430.94
1997	44	19677	7069
1998	44	19697	5805.38
1999	44	19697	5745.8
2000	44	19697	6812.18
2001	43	18950.9	7149.91
2002	42	18950.9	8321.28
2003	44	19604.9	7164.72
2004	44	19529.9	9067.61
2005	44	19925.9	8563.55
2006	43	19529.9	10838.95
2007	45	19245.9	10468.27
2008	45	19267.9	9976.89
2009	45	19267.9	8283.03
2010	45	19157.9	7347.36
2011	45	19489.9	6289.23
2012	42	18463.9	13134.53
2013	50	21665.9	13568.44
2014	53	22885.19	9265.19
Min	35	17475.3	2032.77
Max	50	22885.19	13568.44
Average	42.9	19036.5	7390.8

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming the following: water rights/permits limited by an annual volume will pump the entire volume appropriated, water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and future use permits can be fully developed. Therefore, withdrawal due to non-irrigation use water rights/permits and future use permits is expected to be less than 9,760 ac-ft/yr in South Dakota and 29 ac-ft/yr in Bennett County alone (Water Rights, 2016b).

Water Balance:

Currently, discharge from the Ogallala aquifer as a result of well withdrawals is estimated to be 28,350 ac-ft/yr for South Dakota, and 7,390 ac-ft/yr for Bennett County. These are both much lower than the lowest of the recharge estimates, indicating that at least 95,650 ac-ft/yr and 23,010 ac-ft/yr of unappropriated water is available in the Ogallala in South Dakota and Bennett County, respectively. Therefore, unappropriated water is available for the appropriations proposed by these permit applications.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board rely upon the record of observation well measurements in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 78 observation wells completed into the Ogallala aquifer, with 19 of these in Bennett County (Water Rights, 2016a). The locations of the three observation wells can be seen in Figure 1. Hydrographs for three of the nearest observation wells to the well sites proposed by these applications are shown in Figures 2-9.

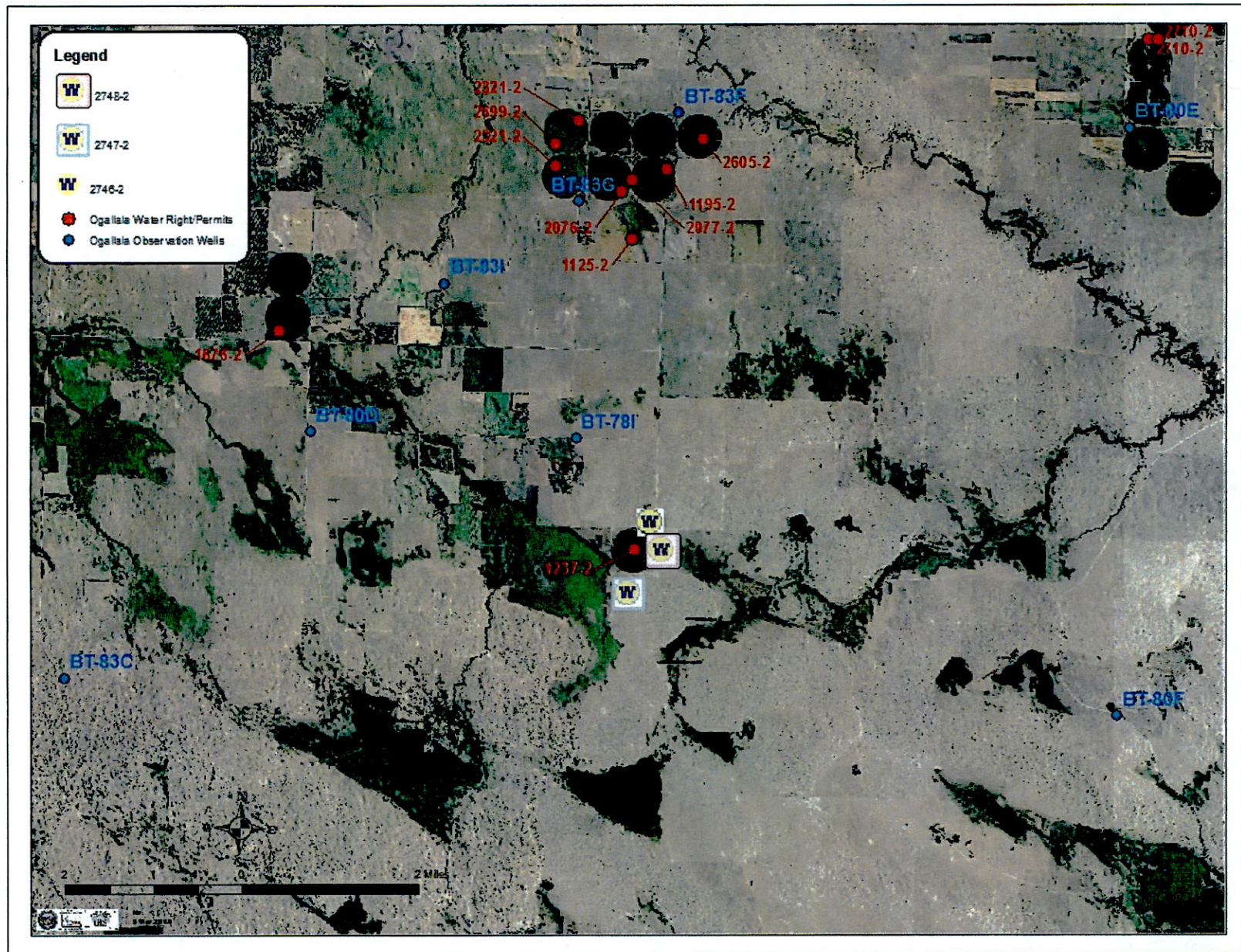


Figure 1. Aerial photo showing the location of: a) the well sites proposed by Application Nos. 2746-2, 2747-2 and 2748-2; b) Ogallala aquifer observation wells monitored by DENR-Water Rights Program; and c) Water rights/permits appropriating water from the Ogallala aquifer in the area.

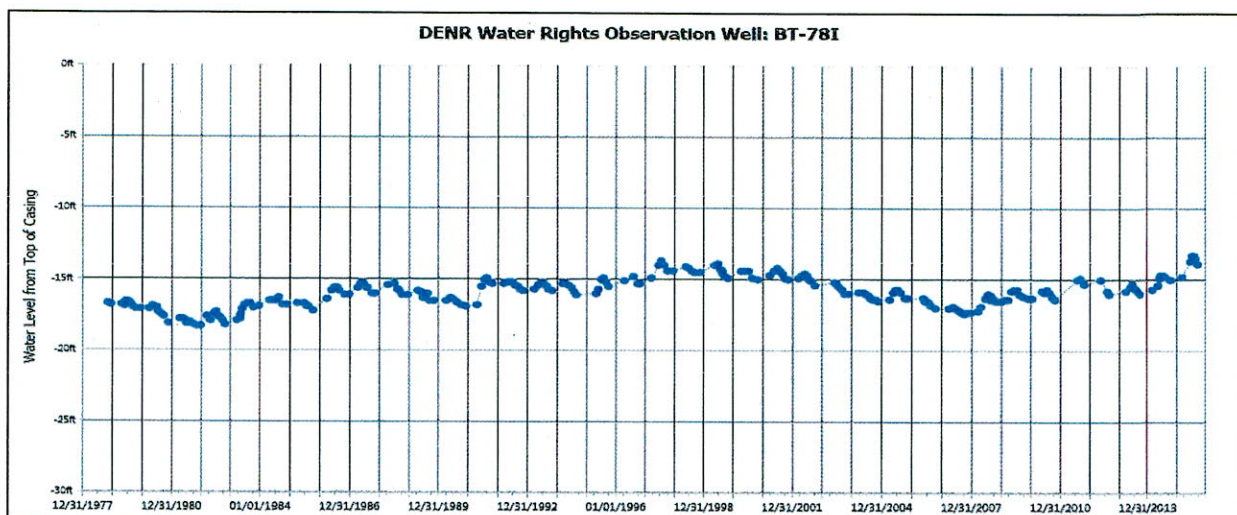


Figure 2. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

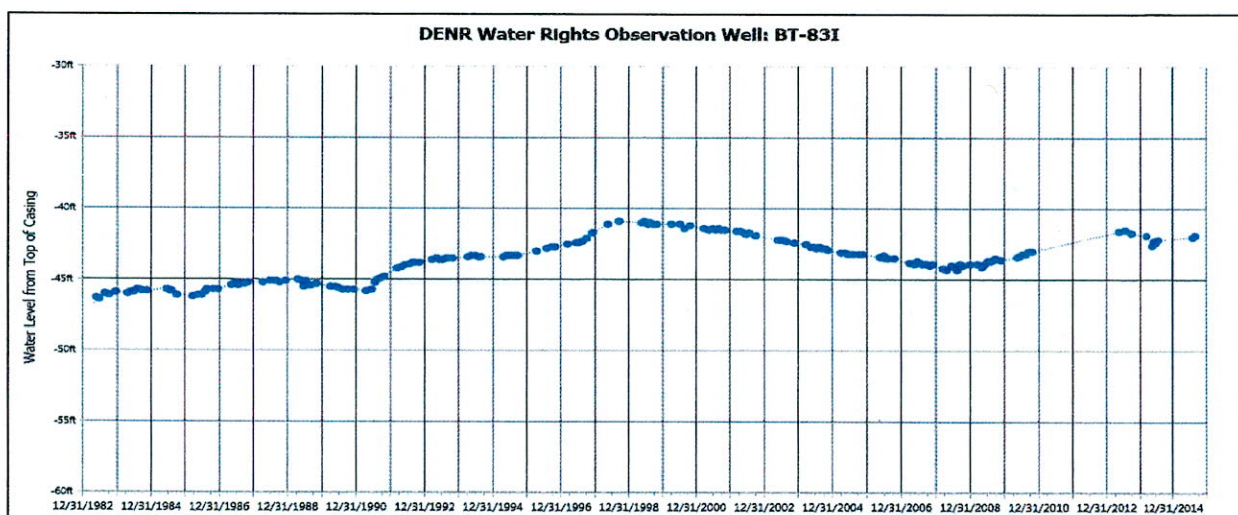


Figure 3. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

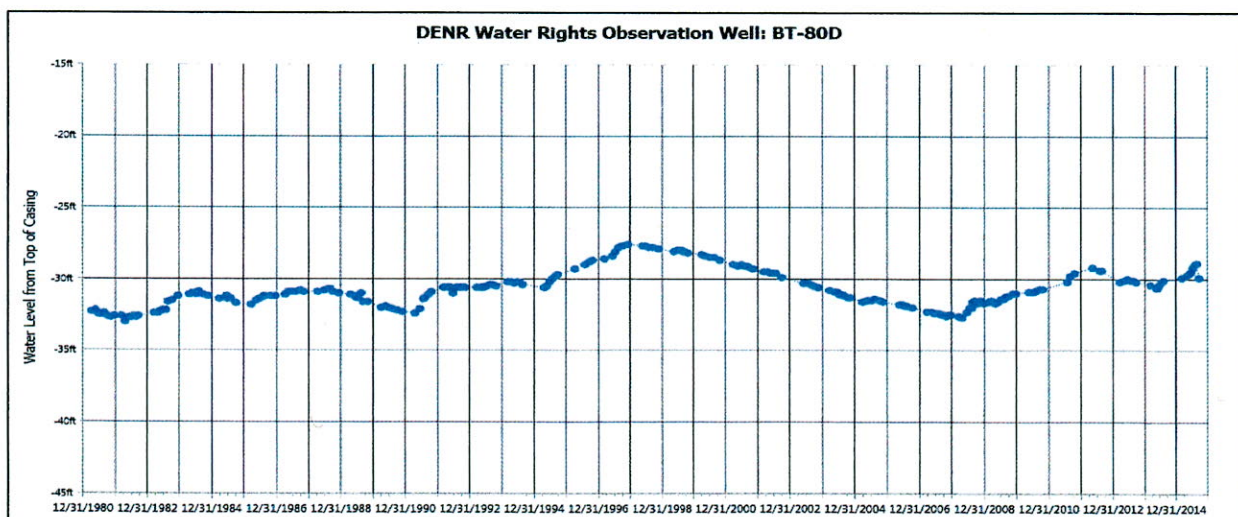


Figure 4. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

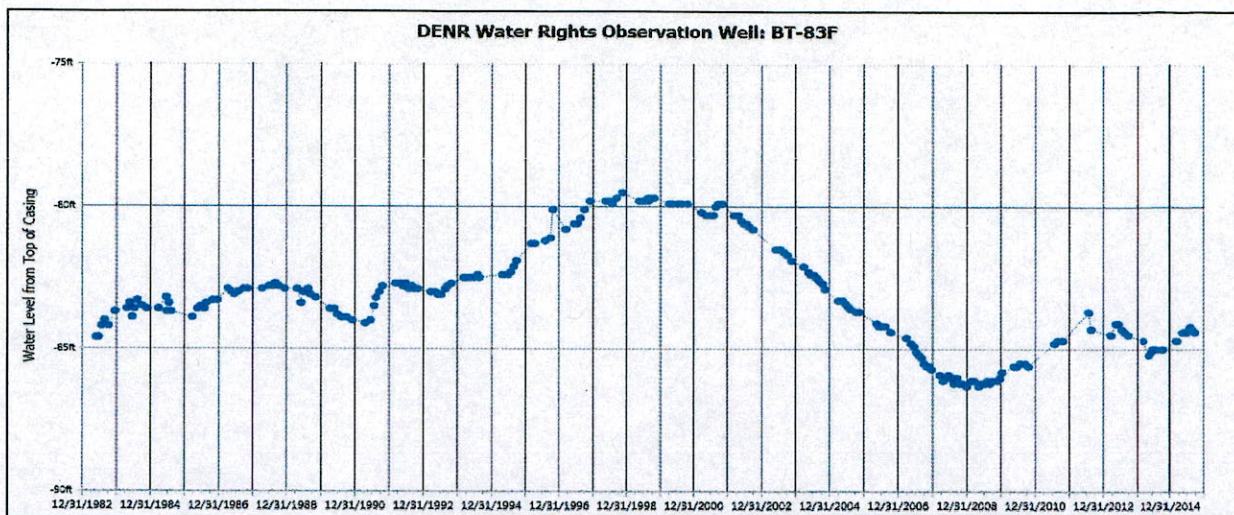


Figure 5. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

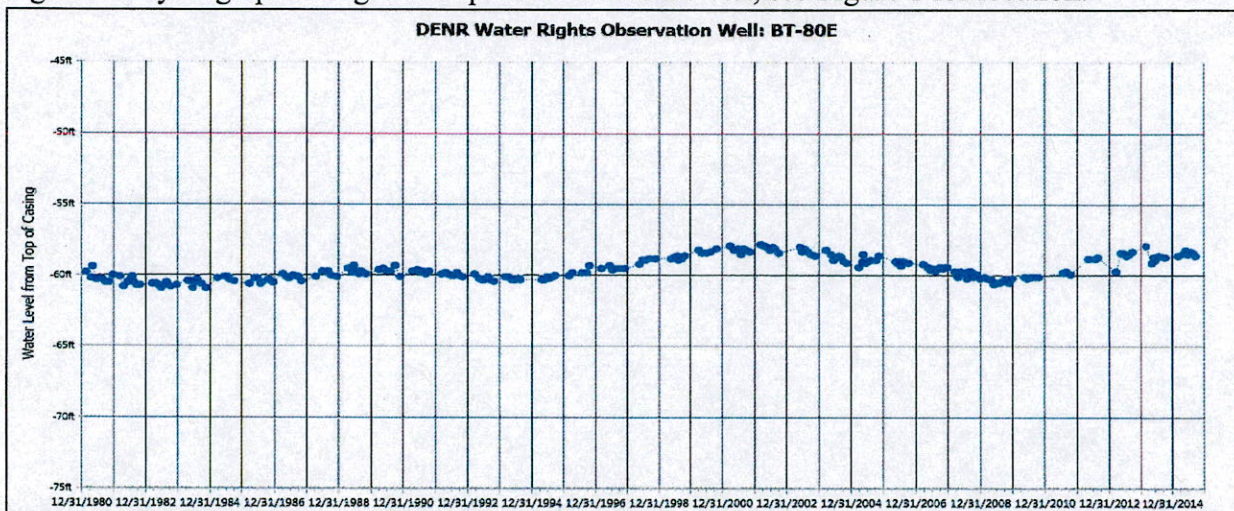


Figure 6. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

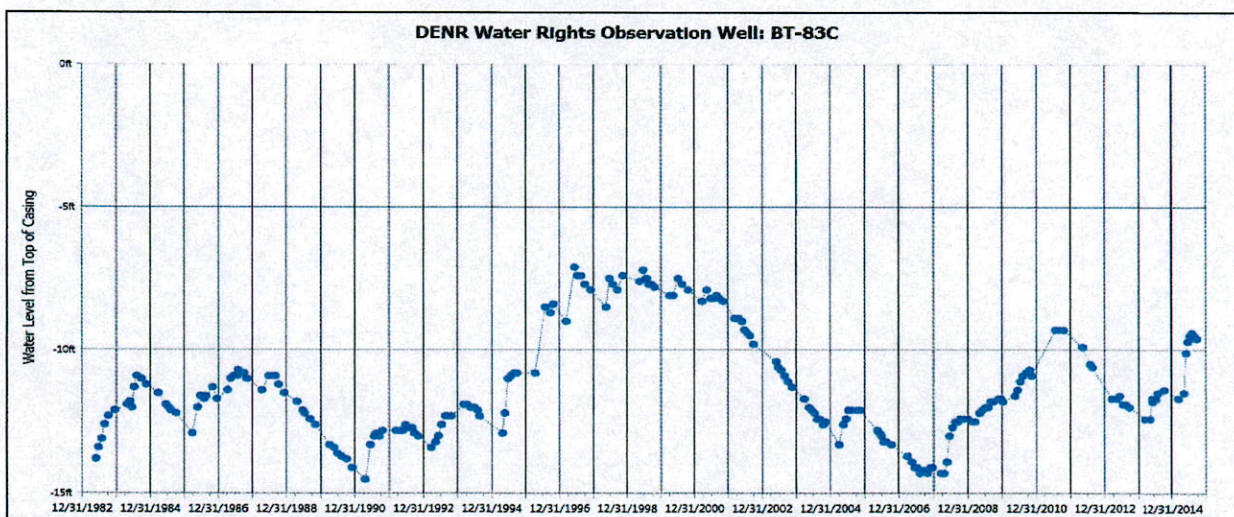


Figure 7. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

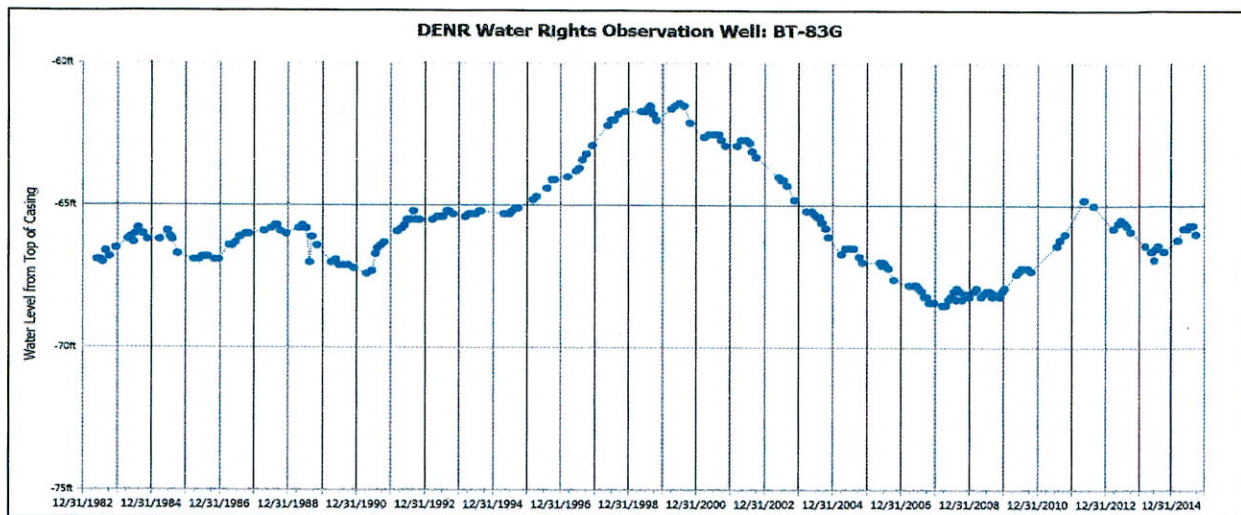


Figure 8. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

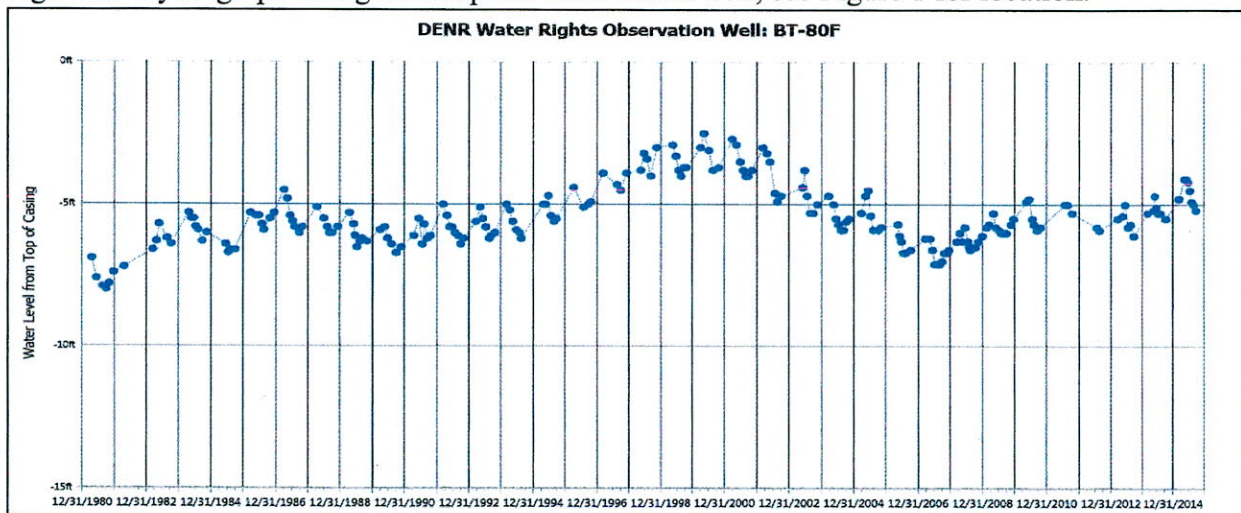


Figure 9. Hydrograph of Ogallala aquifer observation well, see Figure 1 for location.

The observation well data documents cyclic conditions of water levels, rising during wet years and declining during dry years. The climatic conditions mask the temporal effects of well withdrawals indicating that recharge to and natural discharge from the Ogallala aquifer greatly exceeds well withdrawal. Therefore, unappropriated water is available from the Ogallala aquifer to support these proposed appropriations.

EXISTING WATER RIGHTS:

There are a number of completion reports on file with the DENR-Water Rights Program for domestic wells in this area. The approximate location of diversion points authorized for existing water rights/permits in this area are shown in Figure 1 and identified in Table 4.

Table 4. Water Rights/Permits shown in Figure 1.

PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
1125-2	MARK/ILA MAE WALKER	10/02/1972	LC	IRR	2.67	246
1195-2	PLATTE HTRN BRTH	07/05/1974	LC	IRR	1.44	132
1237-2	BILLY JOE KIRK	02/04/1975	LC	IRR	1.78	132
1676-2	GEORGE/ELSIE FARLEY	09/17/1976	LC	IRR	2	262
2076-2	PLATTE HTRN BRTH	04/04/1989	LC	IRR	1.78	132
2077-2	PLATTE HTRN BRTH	04/04/1989	LC	IRR	1.78	132
2321-2	PLATTE HTRN BRTH	07/05/1974	LC	IRR	3.22	367
2605-2	PAUL FANNING	12/15/2006	LC	IRR	1.56	124
2699-2	PLATTE HTRN BRTH	11/15/2012	PE	IRR	2.12	197
2710-2	O'NEILL CATTLE CO INC	03/11/2013	LC	IRR	5.12	591

The well that supplies Water Right No. 1237-2 is located within approximately one-half mile of the wells proposed by Application Nos. 2746-2, 2747-2 and 2748-2.

The unconfined conditions of the Ogallala aquifer dictate that drawdown due to pumping will not be significant far from the proposed well site. Observation well data (see Figures 2-9) documents minimal drawdown from withdrawals of fairly concentrated irrigation wells. Considering the saturated thickness of the aquifer in this area (approximately 200 feet), the proposed diversions are not expected to significantly lower water levels within the aquifer. Given adequate well construction, the resultant drawdown is not expected to be sufficient to cause impairment in existing wells.

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. However, reasonable domestic use must be assured before irrigation use is allowed. Adequate well defined by ARSD 74:02:20(6) are not expected to be adversely or unlawfully impaired.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or "the equivalent thereof." The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires.

Water Permit Application No. 2746-2, proposes to divert 2.45 cfs to irrigate 160 acres, or the equivalent of 1.072 cfs per 70 acres. Water Permit Application No. 2747-2 proposes to divert 1.34 cfs to irrigate 64 acre, the equivalent of 1.466 cfs/70 acres, and Water Permit Application No. 2748-2 each propose to divert 1.56 cfs to irrigate 75 acres, the equivalent of 1.456 cfs/70 acres. The applicant has indicated that the soils in the area are very sandy and require higher application rates. In addition, Mr. Stewart indicated that in each case the irrigation equipment requires approximately the requested rate to operate correctly.

CONCLUSIONS

1. Water Permit Application No. 2746-2 proposes to divert water at a maximum diversion rate of 2.45 cfs to irrigate 160 acres.
2. Water Permit Application No. 2747-2 proposes to divert water at a maximum diversion rate of 1.34 cfs to irrigate 64 acres.

3. Water Permit Application No. 2748-2 proposes to divert water at a maximum diversion rate of 1.56 cfs to irrigate 75 acres.
4. There is a reasonable probability that unappropriated water is available from the Ogallala aquifer.
5. The applicant has requested diversion rates in excess of one cfs per 70 acres to properly supply the irrigation pivots.
6. There is a reasonable probability that these appropriations can be made without adversely impacting existing water rights or nearby wells.



Ken Buhler
DENR-Water Rights Program

REFERENCES:

- Allen, J.C., Iles, D.L., and Peters, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.: Groundwater Resource Inventory: Final Report. U.S. Army Corp of Engineers Contract DAWC 45-82-C-015. SD DENR-Geological Survey. Vermillion, South Dakota.
- Buhler, K.A., 2012, Report on Water Permit Application No. 2559A-2 for John Markus: SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota
- Filipovic, D, 2011, Hydrologic Assessment of the High Plains Aquifer in Bennett County, South Dakota. Open-File Report 92-UR. SD DENR-Geological Survey Program, Vermillion, South Dakota.
- Gutentag, E.D., Hiemes, F.J., Krothe, N.C., Luckey, R.R., Weeks, J.B., 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 63 p.
- Hedges, L.S., and Burch, S.L., 1985, Analysis of Ground-Water and Streamflow Data Western Dakota Region of South Dakota, Task 3.D and 4.C: Ground-Water Recharge: SD DENR-Geological Survey, Vermillion, South Dakota.
- Kolm, K.E. and H.L. Case III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota. Water-Resources Investigations Report 83-4175. U.S. Geological Survey. Lakewood, Colorado.
- Long, A.J., and Putnam, L.D., 2010, Simulated Groundwater Flow in the Ogallala and Arikaree Aquifers, Rosebud Indian Reservation Area, South Dakota=Revisions with Data Through Water Year 2008 and Simulations of Potential Future Scenarios: U.S. Geological Survey Scientific Investigations Report 2010-5104, 54 p.

Water Rights, 1983-2015, "1982-2014 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Water Rights, 2016a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights, 2016b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights, 2016c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2746-2, Forrest Stewart**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2746-2, Forrest Stewart, 29845 237th Avenue, Cody NE 69211.

The Chief Engineer is recommending APPROVAL of Application No. 2746-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2746-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2746-2 authorizes a maximum diversion rate of 2.45 cfs for the irrigation of 160 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
March 21, 2016



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

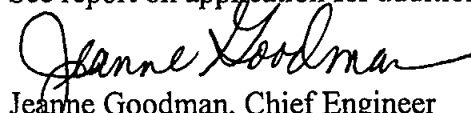
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2747-2, Forrest Stewart**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2747-2, Forrest Stewart, 29845 237th Avenue, Cody NE 69211.

The Chief Engineer is recommending APPROVAL of Application No. 2747-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2747-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2747-2 authorizes a maximum diversion rate of 1.34 cfs for the irrigation of 64 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



Jeanne Goodman, Chief Engineer
March 21, 2016



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2748-2, Forrest Stewart**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2748-2, Forrest Stewart, 29845 237th Avenue, Cody NE 69211.

The Chief Engineer is recommending APPROVAL of Application No. 2748-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2748-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2748-2 authorizes a maximum diversion rate of 1.56 cfs for the irrigation of 75 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
March 21, 2016

Stewart, Forrest

Affidavit of Publication

State of South Dakota

County of Bennett

RECEIVED

APR - 4 2016

WATER RIGHTS
PROGRAM

Taylor Kratovil, being, first duly sworn, on oath, says: That he/she is an employee of Huether Publishing, Inc., and that the **Bennett County Booster** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Bennett and State of South Dakota, for at least one year prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

March 30, 2016

That the full amount of the fee charged for the publication of the attached public notice, \$42.84 insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: _____

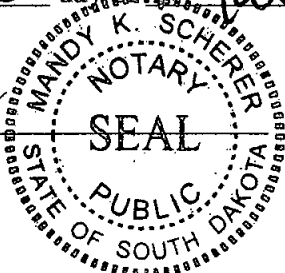
Taylor Kratovil

Subscribed and sworn to before me this 30 day of March, 2016.

Notary Public

Mandy K. Scherer

My Commission Expires
December 9, 2021



Legal Notices

Notice of Meeting of County Equalization Board

SDCL 10-11-25
NOTICE IS HEREBY GIVEN THAT the Board of County Commissioners, acting as a County Board of Equalization of Bennett County, South Dakota, will meet in the Commissioners' Chambers in said County on TUESDAY, the 12th day of April, 2016, (being the second Tuesday in April) for the purpose of reviewing, correcting and equalizing the assessment of said County for the year 2016.

All persons considering themselves aggrieved by said assessment are required to submit written notice to the County Auditor no later than April 5, 2016.

Susan Williams, Bennett County Auditor
Bennett County

Dated March 15, 2016
Published once at the total approximate cost of \$13.00
Published: March 30, 2016

Notice of Taking Tax Deed by County

CERTIFICATE NUMBER 93 of 2011
LEGAL DESCRIPTION: LOTS SIX (6) AND SEVEN (7), BLOCK THREE (3) OF THE FIRST ADDITION TO MARTIN, BENNETT COUNTY, SOUTH DAKOTA.

To Kenneth Miller (son of Floyd Miller deceased) the owner of record of the aforementioned described real property, the person in whose name said property is taxed and person in possession of said property. To the City of Martin, and to any other persons or entity who may have an interest in the aforementioned property.

You are hereby notified that, at sale of land and lots for unpaid taxes by the County Treasurer of Bennett County, South Dakota, the address of real property situated in Bennett County, South Dakota, was first offered for sale at public auction to complete the bid. Not having been sold for want of bidders, said County Treasurer's Certificate of sale was issued by the County Treasurer of Bennett County, South Dakota, who is now the lawful owner thereof. The right of redemption will expire and deed for said lot will be made upon expiration of sixty days from completion of service of notice.

Dated this 16th day of March, 2016.
Jolene Donoran
Bennett County Treasurer
Published twice at the total approximate cost of \$34.44
Published: March 23, 30, 2016

Notice to Creditors

STATE OF SOUTH DAKOTA) IN THE CIRCUIT COURT
COUNTY OF BENNETT) SIXTH JUDICIAL CIRCUIT
SS)
OSPRO #16-2
In the matter of the estate of)
William Lee Kennedy,)
Deceased.) Notice to Creditors of Appointment
of Personal Representative

Notice is given that on the 3rd day of March, 2016, Jolene Dee Robinson, whose address is PO Box 481, Martin, South Dakota 57551, was appointed as personal representative of the estate of William Lee Kennedy.

Creditors of decedent must file their claims within four months after the date of the first publication of the notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk and a copy of the claim mailed to the personal representative.

Dated this 3rd day of March, 2016.
/s/ Jolene Dee Robinson
PO Box 481
Martin, SD 57551

Decky Klaufl
Bennett County Clerk of Courts
PO Box 281
Martin, South Dakota 57551
605-685-6999

Ryan McKnight, Attorney
Kierstad McKnight Law Office
PO Box 648
Phillip, South Dakota 57567
605-659-2783
Published three times at the total approximate cost of \$76.54
Published: March 16, 23, 30, 2016

Notice of Hearing

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
COUNTY OF BENNETT) SIXTH JUDICIAL CIRCUIT
SS)

In the Matter of the Petition regarding)
Alexandra Marie Hopkins-Salomon) CIV: 13-3
(Birth Certificate Name), A Minor Child) AMENDED
FOR A CHANGE OF NAME TO) NOTICE OF HEARING
Alexandra Marie Salomon) FOR NAME CHANGE
(Proposed Name)) OF A MINOR CHILD
(UNCONTESTED)

In the Matter of the Petition regarding)
Stephonia Emmanuelle Hopkins-Salomon) CIV: 13-3
(Birth Certificate Name), A Minor Child) AMENDED
FOR A CHANGE OF NAME TO) NOTICE OF HEARING
Stephonia Emmanuelle Salomon) FOR NAME CHANGE
(Proposed Name)) OF A MINOR CHILD
(UNCONTESTED)

In the Matter of the Petition regarding)
Jyles Cody Lee Hopkins-Salomon) CIV: 13-3
(Birth Certificate Name), A Minor Child) AMENDED
FOR A CHANGE OF NAME TO) NOTICE OF HEARING
Jyles Lee Salomon) FOR NAME CHANGE
(Proposed Name)) OF A MINOR CHILD
(UNCONTESTED)

NOTICE IS HEREBY GIVEN that a Verified Petition for Name Change of a Minor Child has been filed by Anne Dearen Salomon the subject and prayer of which is to change their minor child's name from Alexandra Marie Hopkins-Salomon to Alexandra Marie Salomon; from Stephonia Emmanuelle Hopkins-Salomon to Stephonia Emmanuelle Salomon; from Jyles Cody Lee Hopkins-Salomon to Jyles Lee Salomon.

On the 12 day of April, 2016, at the hour of 1:00 p.m., said Verified Petition will be heard by this Court before the Honorable Kathleen Trandahl Presiding, at the Court Room in the Bennett County Courthouse, City of Martin, Bennett County, South Dakota, or as soon thereafter as is convenient for the court. Any interested party may come and appear at that time and place and show reasons, if any, why said name should not be changed as requested.

Dated this 1st day of March, 2016, at Martin, South Dakota.
/s/ Rebecca J. Klaufl
Clerk of Court

Published four times at the total approximate cost of \$121.16
Published: March 9, 16, 23, 30, 2016

Request for Proposal

The Martin Housing Authority will be receiving bids for the demolition and re-construction of a driveway, sidewalks and patio at 101 Dorothy Street until 3:00 p.m. Tuesday, April 5, 2016.

This will include all labor and materials needed to tear out and replace the existing concrete.

Specifications and packets may be picked up at the Martin Housing Authority Office. A copy of HUD forms 5369, Instructions to Bidders and 5369A, Representations, Certifications and Other Statements of Bidders and Davis Deacon wage rates are enclosed.

Project should be completed no later than July 31, 2016.

Please contact the Martin Housing Authority at 817 Second Avenue, Monday-Wednesday from 8:00 a.m. - 3:00 p.m. to set up an appointment for a site visit.

Bids must be clearly marked "Concrete Bid" and may be deposited at the Office, or mailed to the Martin Housing Authority, PO Box 149, Martin, SD 57551-0149.

The MHA Board of Directors reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$28.29
Published: March 23, 30, 2016

Request for Bids

The Martin Housing Authority will be receiving bids for Thirty white (30 40"x66" DBL Hung, Pulla Impervio Pocket Replacement Window Units, for an approved equivalent) at three duplexes until 3:00 p.m. Tuesday, April 12, 2016.

Work shall include removal and disposal of existing windows (MHA will keep some parts), installation of new windows and trim. Work is to be completed by July 31, 2016.

Specifications and packets may be picked up at the Martin Housing Authority Office. A copy of HUD forms 5369, Instructions to Bidders and 5369A, Representations, Certifications and Other Statement of Bidders and Davis Deacon wage rates are enclosed.

Please contact the MHA at 817 Second Avenue, Monday-Wednesday from 8:00 a.m. - 3:00 p.m. to set up an appointment for a site visit.

Bids must be clearly marked "Window Bid" and may be deposited at the Office or mailed to the Martin Housing Authority, PO Box 149, Martin, SD 57551.

The MHA Board of Directors reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$28.29
Published: March 23, 30, 2016

Request for Bids

The Martin Housing Authority will be receiving bids until 3:00 p.m. on Tuesday, April 5, 2016 for the installation of 23 twenty-three Westinghouse F07S Series energy star rated Heat Pumps with LP Auxiliary heat for an approved equivalent to be installed over the next 4 years. The number of units installed each year is dependent upon MHA yearly funding.

The work shall include removal and disposal of the existing heating/AC units, replacement of gas fittings, valves, ductwork, and thermostats.

A copy of the specifications, along with HUD forms 5369, Instructions to Bidders and 5369A, Representations, Certifications, Other Statement of bidders and a current Davis Deacon Wage Rate Determination may be picked up at the Office.

Please contact the Martin Housing Authority at 817 Second Avenue, Monday-Wednesday from 8:00 a.m. - 3:00 p.m. to set up an appointment for a site visit.

Bids must be clearly marked "Heat Pump Bid" and may be deposited at the Office or mailed to the Martin Housing Authority, PO Box 149, Martin, SD 57551.

The MHA Board of Directors reserves the right to reject any and all bids.

Published twice at the total approximate cost of \$31.98
Published: March 23, 30, 2016

Notice to Creditors

STATE OF SOUTH DAKOTA) IN THE CIRCUIT COURT
COUNTY OF BENNETT) SIXTH JUDICIAL CIRCUIT
SS)
OSPRO #16-2
In the matter of the estate of)
Helen Glone Kennedy)
Deceased.) Notice to Creditors of Appointment
of Personal Representative

Notice is given that on the 3rd day of March, 2016, Jolene Dee Robinson, whose address is PO Box 481, Martin, South Dakota 57551, was appointed as personal representative of the estate of Helen Glone Kennedy.

Creditors of decedent must file their claims within four months after the date of the first publication of the notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk and a copy of the claim mailed to the personal representative.

Dated this 3rd day of March, 2016.
/s/ Jolene Dee Robinson
PO Box 481
Martin, SD 57551

Decky Klaufl
Bennett County Clerk of Courts
PO Box 281
Martin, South Dakota 57551
605-685-6999

Ryan McKnight, Attorney
Kierstad McKnight Law Office
PO Box 648
Phillip, South Dakota 57567
605-659-2783
Published three times at the total approximate cost of \$76.54
Published: March 16, 23, 30, 2016

OST Early Intervention
Special Education
Is now accepting bids for the following services for the 2016-2017 year:

- Occupational Therapy
- Physical Therapy
- Speech/Language
- Special Instruction

Please send all bids & proposals to:
OST Special Education/Early Intervention Program
Attn: Stephanie Landon
PO Box 1991
Pine Ridge, SD 57770

Please be specific on envelope.
"BID Proposal"

OST is accepting bids until April 29, 2016

Notice of Application to Appropriate Water

NOTICE OF APPLICATION NO. 2746-2, 2747-2, 2748-2 to Appropriate Water

Notice is given that Forrest Stewart, 29845 237th Ave, Cody, NE 69211 has filed the following applications for a water permit:

Application No. 2746-2 proposes to appropriate 2.45 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the SE 1/4 SE 1/4 Section 19 for irrigation of 160 acres located in the NE 1/4, E1/2 NW 1/4, NW 1/4 SE 1/4, NE 1/4 NW 1/4 Section 19; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2747-2 proposes to appropriate 1.34 cfs from one well to be completed into the Ogallala Aquifer (240 feet deep) located in the NW 1/4 SE 1/4 Section 30 for irrigation of 04 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 30; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 2748-2 proposes to appropriate 1.56 cfs from one well to be completed into the Ogallala Aquifer (280 feet deep) located in the NW 1/4 NW 1/4 Section 29 for irrigation of 75 acres located in the W 1/2 NW 1/4 Section 29 and SW 1/4 NW 1/4 Section 20; all in T36N-R34W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2746-2, 2747-2 and 2748-2 with qualifications because: 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denrad.gov/public> or contact Eric Greenland for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3357) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 11, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, and the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the application pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$42.84
Published: March 30, 2016

Noem announces congressional art contest now open to SD students

WASHINGTON, D.C. - completely original-in concept, design, and execution. Artwork must also be entered in the original medium; no scanned reproductions are allowed. To submit an entry, artwork from South Dakota will have the honor of being displayed in the United States Capitol for a full year. Additionally, the winning artist will be invited to a reception in the United States Capitol where they will have the opportunity to meet other artists from across the country. The second place winning entry will be displayed in Rep. Noem's Washington, D.C. office.

Any high school student in South Dakota is welcome to enter. Artwork must be

The City of Britton is offering

APARTMENTS FOR SALE

- Partview Apartments - a 7 apartment complex located on 2nd Street and 9th Avenue
- Midview Apartments - a 5 apartment complex located on 7th Street and 6th Avenue

Seried bid - will be received and opened June 13 at 2:00 p.m. For information contact Mark Mierow at City Hall 605-646-5721 from 8:00 am - 3:00 pm.

Bennett County Nursing Home

Job Opening

Certified Nursing Assistant (CNA)

Seeking full-time and Part-time CNAs at the Bennett County Nursing Home. Turn applications into Melanie Pell, Human Resources. Improved salary scale and competitive benefit package.

For application or questions please contact Melanie Pell at 605-685-6622, ext. 1138 or apply on-line at bennettcountynursinghome.com

Bennett County Hospital and Nursing Home

is an equal opportunity employer.
Martin, S.D. 57551

**WATER RIGHTS
PROGRAM**

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marilynn Baker

certify that the attached printed Notice was taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

3-31-16

Cost of Printing \$ 44.08

Mayli Baker
(Signature)

Bookkeeper
(Title)

H-1-16

(Date Signed)

Public Notice

14833
11day/3/30
NOS. 2746-2,
2747-2 and 2748-2 to
Appropriate
Water
Notice is given that
the City of Capitola,
Monterey, 95035
2870 Ave. A, Code
NE 65211 has
filed the following
applications for a
water permit
under the Capitola
Aquifer (280 feet
deep) located in the
SE 1/4 SE 1/4
Section 19 for
irrigation of 160
acres located in
the NW 1/4 NW 1/4
NW 1/4 SE 1/4
SW 1/4 Section 19,
all in T36N-
R34W. The applic-
ant is requesting
a diversion rate
greater than the
statutory limit of
1 cfs per 70 acres.
Application No.
2747-2 proposes
to appropriate
1.34 cfs from one
well to be con-
veyed into the
Capitola Aquifer
(240 feet deep)
located in the NW
1/4 SE 1/4
Section 30 for irri-
gation of 75 acres
located in the W
1/2 SE 1/4 SW 1/4
all in T36N-R34W.
The applic-
ant is requesting
a diversion rate
greater than the
statutory limit of
1 cfs per 70 acres.
Application No.
2748-2 proposes
to appropriate
1.56 cfs from one
well to be con-
veyed into the
Capitola Aquifer
(280 feet deep)
located in the NW
1/4 NW 1/4
Section 20 for irri-
gation of 75
acres located in
the W 1/2 NW 1/4
Section 20 and
BW 1/4 SW 1/4
Section 20; all in
T36N-R34W. The
applicant is request-
ing a diversion rate
greater than the
statutory limit of
1 cfs per
70 acres.
Pursuant to SDCL
16-2-2, the Chief
Engineer recom-
mends APPROV-
AL of Application
Nos. 2746-2,
2747-2 and 2748-
2 with qualifica-
tions (see page 1)
unopposed (if no
water is available,
a) existing rights
will not be unla-
wfully impaired, 3) it
is in the beneficial
use of the public,
4) it is in the pub-
lic interest. The
Chief Engineer's
recommendation
with qualifications,
the application,
and staff report
may be viewed at
<http://denr.sd.gov>
public or contact
Eric Grunwald for
this information,
or other informa-
tion, at the Water
Rights Program
office as provided
below.
Any person inter-
ested in oppos-
ing or supporting
these applications
or recommendations
must file a written
petition with BOTH
the applicant and
Chief Engineer.
The applicant
must file the petition
if contesting the
Chief Engineer's
recommendation.
The Chief Engi-

Public Notice

neers address is "Water Rights
Program, P.O.
Box 253, 523 E
Building, 523 E
Capitol, Pierre SD
57501 (605) 773-
3332 and the
applicant's mailing
address is given
above. A petition
filed by either an
interested person
or the applicant
must be filed by
April 11, 2016.
The petition
may be filed by
mail, but must
include a state-
ment describing
the petitioner's
interest in the
applications, the
petitioner's con-
cerns for oppos-
ing or supporting
the applications,
and the signa-
ture and mailing
address of the petitioner.
The petitioner's
signature is the
petitioner's legal con-
sent, if legal con-
sent is obtained.
If the applicant
does not contest
the recommenda-
tion of the Chief
Engineer and no
petition to oppose
the applications
are received, the
Chief Engi-
neer shall act on
the application
pursuant to the
recommendations
with no hearing
held before the
Water Manage-
ment Board. If a
petition opposing
the applications
or contesting the
recommendations
is filed, then a
hearing will be
scheduled and the
Water Manage-
ment Board will
consider these
applications. No-
tice of the hearing
will be given to
the applicant and
any person filing a
petition.

Steven M. Pirmer,
Secretary,
Department of
Environment and
Natural Resources

Published once
at the total ap-
proximate cost of
\$14.05.

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APR - 7 2016

WATER RIGHTS
PROGRAM

Monday, April 4, 2016

Water Rights Program
523 E Capitol
Pierre S.D. 57501

To Whom It May Concern

This Letter is to contest water rights applications 27462-2, 2747-2 & 2748-2

By Forrest Stewart of Cody, NE.

Due to the proximity of existing well, I have concerns with 3 new wells
affecting operation of my well on NW1/4 Sec 30, 36N & 34W.

Your addressing of this matter is appreciated.

Thank You

Billy Joe Kirk

Billy Joe Kirk

CERTIFICATION

I hereby certify that on April 13, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated April 13, 2016, regarding notice of hearing for Water Right Permit Application Nos. 2746-2, 2748-2 and 2748-2, as addressed below:

Forrest Stewart
29845 237th Avenue
Cody NE 69211

Rod Kirk
23648 298th Street
Cody NE 69211

Billy Joe Kirk
107 Dakota Drive
Martin SD 57551

Sent Inter-office to:

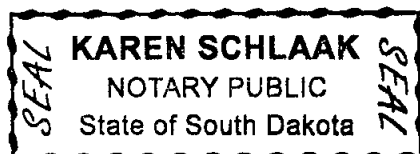
Ann Mines-Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501


Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of April, 2016


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 25, 2016

NOTICE

TO: Forrest Stewart
29845 237th Avenue
Cody NE 69211

Billy Joe Kirk
107 Dakota Drive
Martin SD 57551

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Change of Hearing Time on Water Permit Application Nos. 2746-2, 2747-2 and 2748-2

Forrest Stewart filed three water permit applications to appropriate water from the Ogallala Aquifer for irrigation in Bennett County. In response to the published notice of the applications, a petition was filed by Billy Joe Kirk regarding the proximity of the wells to an existing well. Notice of hearing was sent to parties on April 13, 2016, scheduling a hearing before the Water Management Board at 9:00 AM on Thursday, May 5, 2016. Due to a change in the agenda, the hearing time has been changed to 11:00 AM.

The Water Management Board will now conduct the hearing on Application Nos. 2746-2, 2747-2 and 2748-2 at 11:00 AM (Central Time) on Thursday, May 5, 2016, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed by a prior agenda item.

Applicable provisions of the notice of hearing sent to parties on April 13, 2016, will still apply.

Please contact Eric Gronlund at (605) 773-3352 or eric.gronlund@state.sd.us if you have questions regarding the hearing.

c: Ann Mines-Bailey, Assistant Attorney General
Rod Kirk, 107 Dakota Drive, Martin SD 57551

CERTIFICATION

I hereby certify that on April 25, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice changing the hearing time dated April 25, 2016, regarding notice of hearing for Water Right Permit Application Nos. 2746-2, 2748-2 and 2748-2, as addressed below:

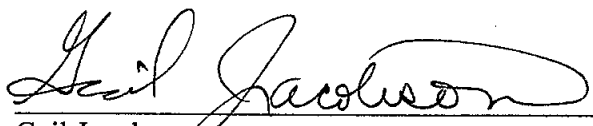
Forrest Stewart
29845 237th Avenue
Cody NE 69211

Rod Kirk
23648 298th Street
Cody NE 69211

Billy Joe Kirk
107 Dakota Drive
Martin SD 57551

Sent Inter-office to:

Ann Mines-Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



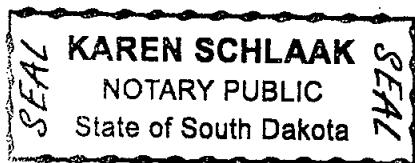
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of April, 2016



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAY 12 2016

Forrest Stewart
29845 237th Ave
Cody NE 69211

Dear Mr. Stewart:

Enclosed are Water Permit Nos. 2746-2, 2747-2 and 2748-2 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 25 2016

Forrest Stewart
29845 237th Ave
Cody NE 69211

2746-2
2746A-2
2747-2
2748-2

Dear Mr. Stewart:

Enclosed is Water Permit No. 2746A-2 which amended Water Permit No. 2746-2 by transferring portions of the acreage and diversion rate authority to irrigate land associated with reconfiguration and development of systems authorized by Permit Nos. 2747-2 and 2748-2. Also included are Reissued Water Permit Nos. 2747-2 and 2748-3.

Based on the reissuances, the remaining portions of Water Permit No. 2746-2 are incorporated into No. 2746A-2.

A Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An information sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

enclosures

REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 2747-2 FOR IRRIGATION

The Water Management Board approved Water Permit No. 2747-2 on May 5, 2016 for Forrest Stewart, 29845 237th Ave, Cody NE 69211 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2747-2 appropriates 1.34 cubic feet of water per second (cfs) from one well to be completed into the Ogallala Aquifer (240 feet deep) located in the NW 1/4 SE 1/4 Section 30 for irrigation of 64 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 30; all in T36N-R34W.

To reflect the Chief Engineer's action taken on behalf of the Water Management Board, on September 19, 2016, as outlined in Water Permit No. 2746A-2, Water Permit No. 2747-2 is being reissued as follows:

Reissued Water Permit No. 2747-2 authorizes the transfer 29 acres from No. 2746-2 and 0.41 cfs of diversion rate authority to accommodate installation of a quarter section pivot making a windshield wipe rotation. The new configuration will be to divert water at a maximum rate of 1.75 cfs to irrigate 93 acres located SE 1/4 (79 acres) Section 30 and NW 1/4 NE 1/4 (14 acres) Section 31; all in T36N-R34W. This permit authorizes changing the location of the well authorized by Permit No. 2747-2 to the SE 1/4 NE 1/4 Section 31-T36N-R34W.

2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 18, 2016 (established by No. 2746-2).
4. One-fifth of the construction is to be completed on or before November 5, 2018.
5. All construction is to be completed on or before May 5, 2021.
6. Water is to be put to beneficial use on or before May 5, 2025.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2747-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2747-2 authorizes a maximum diversion rate of 1.75 cfs for the irrigation of 93 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 25 2016

date

